

THE
LAW

AGAINST

*Papists and Popish Recusants,
Nonconformists and Nonjurors:*

WITH

The STATUTES relating to the SUCCESSION
of the Crown, Forfeited Estates, Tumults and Riots, Im-
prisonment of Suspected Persons; and for obliging **Papists**
and **Nonjurors** to Register their Estates, &c.

In which are contained,

All the Oaths, Submissions, Declarations, Confessions,
Affirmations and Assurances, required by the Govern-
ment from the First Year of Q. ELIZABETH.

To which is prefixed,

A Proclamation for putting the Laws in Execution against
Papists and **Nonjurors**, and for commanding all **Pa-
pists** and **reputed Papists** to depart from the Cities of
London and *Westminster*, and from within ten Miles of the
same; and for confining **Papists** and **reputed Papists** to
their Habitations, and for putting in Execution the Laws
against Riots and Rioters. Published by his MAJESTY'S
Command, 25 Feb. 1743.

L O N D O N:

Printed for W. Bickerton in the Passage to the Temple-Ex-
change Coffee-House, Fleetstreet.

MDCCXLIV.

S
UK
978
LAW

CT
L475

Rec. Mar. 9, 1900.

T H E
P R E F A C E.

A*T a Time when the Government is justly apprehensive of an Invasion from Foreigners who are Papists, and our own Nation abounding with such Numbers of them; and many other Persons disaffected to his present Majesty, it cannot be unseasonable to shew what those Offences, Penalties and Disabilities are, which Popish Recusants, &c. are liable to; that every Person upon this important Occasion may duly consider the Consequences of his Compliance or Neglect. And,*

1. First, Every Popish Recusant Convict forfeits 20l. a Month, for which the Crown may seize all his Goods, and two Thirds of his Lands and Leases, 23 Eliz. cap. 1. & 29 Eliz. cap. 6. Or the Crown may refuse the 20l. a Month, and seize two Thirds of his Lands and Leases, and retain them. 3 Jac. 1. cap. 4.

2. If

The P R E F A C E.

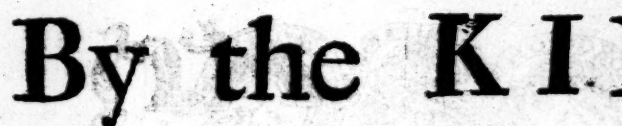
2. *If he goes five Miles from his Dwelling, he forfeits all his Goods, and his Lands, and Annuities for Life; and if he be not worth 20 Marks per Annum, or 40 l. in Goods, he is to abjure the Realm, (i. e. go into Banishment:) which, if he refuse to do, or return into the King's Dominions without licence, he is to be adjudg'd a Felon, without Benefit of Clergy.* 35 Eliz. cap. 2.

3. *If he comes to Court, or within ten Miles of the City of London, he forfeits 100 l. He is disabled to have any Place or Office in the Governwent, to practise Law, Physick, or Surgery, or the Art of an Apothecary, or any Liberal Science for Gain, or to sit in either House of Parliament, and forfeits 500 l. if he do. He is to be deem'd excommunicate and is disabled to sue for any of his Rights, to be Guardian, Executor or Administrator, or to accept a Legacy or Deed of Gift, and must keep no Arms or Horses above 5 l. Value.* 3 Jac. 1. cap. 5. 25 Car. 2. cap. 2. 30 Car. 2. cap. 1. 1 W. & M. cap. 9. and cap. 15. 1 Geo. cap. 13.

4. *A Recusant, being a married Woman, forfeits the Issues and Profits of two Parts of her Jointure and Dower, and is disabled to be Executrix or Administratrix to her Husband, or to have any Part of his Goods or Chattels on his Decease, and she is also to be committed to Gaol.* 3 Jac. 1. cap. 5. 7 Jac. 1. cap. 6.

1 Eliz.

[illegible]



For putting the Laws in Execution against Papists and Nonjurants, reputed Papists, to depart from the Cities of *London* and *W*estminster; and for confining Papists, and reputed Papists, to the Houses of Correction, and for the better Execution of the Laws against Riots and Rioters.

any Person or Persons, with such Assistance as aforesaid, where the Search should be, to search for and seize for the should be above the Value of Five Pounds, to be sold: And whereas by another Act made in the said First Year of the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths, all Persons who should refuse to take the should refuse to make and subscribe the said Declaration in the said Act of the Thirtieth Year of the said late King a Popish Recusant Convict, to all Intents and Purposes whatsoever: And whereas in and by an Act made in the First An Act for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess and secret Abettors; it is enacted, That it should and might be lawful to and for Two and more Justices of the Peace, or pointed by Order in the Privy Council, or by Commission under the Great Seal, to administer and tender the Oaths should or might suspect to be dangerous or disaffected to his Majesty or his Government; and if any Person or Person such Justices, or any other Person or Persons specially to be appointed, as aforesaid, tendering the said Oaths, should City, Borough, Town-corporate, or Place, in which such Refusal should be made, and the said Refusal should be Clerk of the Peace of such County, Riding, Liberty, City, Borough, Town-corporate, or Place, into our Court recorded amongst the Rolls of the said Courts, in a Roll or Rolls there to be provided and kept for that Purpose only; and of his Neglect or Refusal, taken, esteemed, and adjudged a Popish Recusant Convict, and as such to forfeit and be pro Oaths in the said Act particularly mentioned, upon any Pretence whatsoever, it is thereby further enacted, That it should or Persons, who should be by his Majesty for that Purpose specially appointed, by Order in the Privy Council, or summon any Person to appear before them, at a certain Day and Time therein to be appointed, to take the said house, or usual Place of Abode, with one of the Family there; and if such Person who should be so summoned, should made upon Oath of the serving the said Summons (which Oath such Justices, or any other Person or Persons, Justices, or any other Person or Persons specially to be appointed as aforesaid, are thereby required to



ING,

M A T I O N,

onjurors, and for commanding all Papists, and re-
Westminster, and from within Ten Miles of the
to their Habitations; and for putting in Execution

the Pretender's eldest Son in France, and that Preparations are making at Dunkirk for an Invasion:
is to be supported by the French Squadron that has been some time cruizing in the Channel:
gn of their late Majesties King William and Queen Mary, intituled, An Act for the better securing the
ould and might be lawful for any Two or more Justices of the Peace, who should know or suspect
was suspected to be a Papist, to tender, and they were thereby authorized and required forthwith to
set down and expressed in an Act of Parliament made in the Thirtieth Year of the Reign of the
the King's Person and Government, by disabling Papists from sitting in either House of Parliament, to be by him
use to make, repeat, and subscribe the said Declaration, or refuse or forbear to appear before the said
him given, or left at his usual Place of Abode by any Persons authorized in that Behalf, by War-
er, or Ammunition, other than such necessary Weapons as should be allowed to him by Order of the
House or Person; and that any Two or more Justices of the Peace, by Warrant under their Hands
n or Persons in the Day-time, with the Assistance of the Constable, or his Deputy, or the Tything-
Weapons, Gunpowder, or Ammunition, which should be in the House, Custody, or Possession of any
late Majesties, and their Successors: And further, that no Papist or reputed Papist, so refusing or
the Possession of any other Person to his Use, or at his Disposition, any Horse or Horses which should
e Justices of the Peace, by Warrant under their Hands and Seals, might and should authorize
e for the Use of their said late Majesties, and their Successors, all such Horse and Horses, which
st Year of the Reign of their said late Majesties King William and Queen Mary, intituled, An Act for
to take the Oaths therein directed to be taken, after the Tenders thereby directed to be made, and
te King Charles the Second, should suffer all Pains, Penalties, Forfeitures, and Disabilities, as
the First Year of the Reign of Our Royal Father, his late Majesty King George the First, intituled,
te Princess *Sophia*, being Protestants; and for extinguishing the Hopes of the pretended Prince of *Wales*, and his open
Peace, or any other Person or Persons, who should be by his Majesty for that Purpose specially ap-
e Oaths in the said Act appointed to be taken, to any Person or Persons whatsoever, whom they
or Persons to whom the said Oaths should be so tendered, should neglect or refuse to take the same,
hs, should certify the Refusal thereof to the next Quarter-sessions of the County, Riding, Liberty,
ould be recorded amongst the Rolls of that Sessions, and should be from thence certified by the
ur Court of Chancery or King's Bench, Court of Sessions or Court of Justiciary in Scotland, there to be
only; and that every Person so neglecting or refusing to take the said Oaths, should be, from the time
nd be proceeded against; and to the Intent and Purpose that no Person might avoid taking the several
hat it should and might be lawful to and for Two or more Justices of Peace, or any other such Person
ouncil, or by Commission under the Great Seal, by Writing under their Hands and Seals, to
the said Oaths, which said Summons should be served upon such Person, or left at his Dwelling-
oned, should neglect or refuse to appear according to such Summons, that then, upon due Proof to be
Persons, specially to be appointed as aforesaid, are, by the said Act, enabled to administer such

*The ancient
England
Usurpation
Enacted,*

Offences.

THAT every
bishop, B
all other Ec
Persons and C
what Degree fo
ry Judge, Just
Persons having
shall not take
joined,
Persons who
take the said O

Spiritual or
ter into Order
sities.

Any Person
maintain the
Jurisdiction of
reign Prelate,
tate, within the



late King Charles the Second, intituled; An Act for the more effectual preserving the King made, repeated, and subscribed; and if such Person so required, should refuse to make Justices for the making, repeating, and subscribing thereof, on Notice to him given in writing under the Hands and Seals of the said Two Justices, he was in and by that Person to his Use, or at his Disposition, any Arms, Weapons, Gunpowder, or Ammunition, or Justices of the Peace at a General Quarter-sessions, for the Defence of his House or Land, or by virtue of that Act, might authorize and impower any Person or Persons, of what Condition, Rank, or Estate soever, in any County, City, Town, Hamlet, Village, or Parish, or Man, or Headborough, where the Search should be, to search for all Arms, Weapons, Ammunition, or Gunpowder, or any such Person, or reputed Person, and seize the same for the Use of their said late Majesty, or might have or keep in his own Possession, or in the Possession of his Clerk, or any other Person, any such Arms, Weapons, Ammunition, or Gunpowder, or any such Person, or reputed Person, making Default, should or might have or keep in his own Possession, or in the Possession of his Clerk, or any other Person, any such Arms, Weapons, Ammunition, or Gunpowder, or any such Person, or reputed Person, the Value of Five Pounds, to be sold; and that any Two or more Justices

any Person or Persons, with such Assistance as aforesaid, where the Search should be, to search for and seize for the said should be above the Value of Five Pounds, to be sold: And whereas by another Act made in the said first Year of the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths, all Persons who should refuse to take the should refuse to make and subscribe the said Declaration in the said Act of the Thirtieth Year of the said late King a Popish Recusant Convict, to all Intents and Purposes whatsoever: And whereas in and by an Act made in the first An Act for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess and secret Abettors; it is enacted, That it should and might be lawful to and for Two and more Justices of the Peace, appointed by Order in the Privy Council, or by Commission under the Great Seal, to administer and tender the Oaths should or might suspect to be dangerous or disaffected to his Majesty or his Government; and if any Person or Persons such Justices, or any other Person or Persons specially to be appointed, as aforesaid, tendering the said Oaths, should City, Borough, Town-corporate, or Place, in which such Refusal should be made, and the said Refusal should be Clerk of the Peace of such County, Riding, Liberty, City, Borough, Town-corporate, or Place, into our Court recorded amongst the Rolls of the said Courts, in a Roll or Rolls there to be provided and kept for that Purpose only; and of his Neglect or Refusal, taken, esteemed, and adjudged a Popish Recusant Convict, and as such to forfeit and be pro Oaths in the said Act particularly mentioned, upon any Pretence whatsoever, it is thereby further enacted, That it should or Persons, who should be by his Majesty for that Purpose specially appointed, by Order in the Privy Council, or summon any Person to appear before them, at a certain Day and Time therein to be appointed, to take the said house, or usual Place of Abode, with one of the Family there; and if such Person who should be so summoned, should made upon Oath of the serving the said Summons (which Oath such Justices, or any other Person or Persons Justices, or any other Person or Persons specially to be appointed as aforesaid, are thereby required to certify County, Riding, Liberty, City, Borough, Town-corporate, or Place, there to be entered upon the Rolls of the said aforesaid, should neglect or refuse to appear and take the said Oaths, at the said General Quarter-sessions, the Sessions, that then, and in such Case, such Person should be taken, esteemed, and adjudged a Popish Recusant Convict take the said Oaths; and the same should be from thence certified by the Clerk of the Peace of such County, Riding or King's Bench, Court of Session or Court of Justiciary in Scotland, there to be recorded amongst the Rolls of the said an Act of Parliament made in the Thirtieth Year of the Reign of Queen Elizabeth, every Popish Recusant Convict above Five Miles from thence, unless thereunto licensed according to the Direction of that Act, or of a subsequent Act of Parliament made in the Third Year of the late King James the First, intituled, An Act to prevent and avoid Disconvicted of Recusancy, should depart from the City of London, and Ten Miles Compass of the same, under certain first Year of the Reign of the late King William and Queen Mary, intituled, An Act for the removing Papists, and reputed That for the better discovering and removing all Papists, and reputed Papists, out of the said Cities, and Ten Miles Mayors for the time being, and every Justice of the Peace of the City of London, and for the City and Liberties of Essex, within their respective Counties, Boroughs, and Limits, should from time to time cause to be arrested and other Person or Persons as the said Act excepts) within the said Cities, or within Ten Miles of the same, being in Statute made in the Thirtieth Year of King Charles the Second, intituled, An Act for the more effectual preserving the King such Person, upon such Tender, should refuse to repeat, make, and subscribe the said Declaration, and should assistance from the same, that in every such Case he or she should forfeit and suffer as a Popish Recusant Convict by the Peace should certify all such Subscriptions, and the Names of all Persons refusing to subscribe, upon Tender as aforesaid next Quarter-sessions, where such taking, subscribing, or Refusal should happen. Now for the Preservation of the enemies; We have thought fit, by and with the Advice of our Privy Council, to issue this our Royal Proclamation it may concern, That they do, with the utmost Diligence and Application, put the said Laws strictly in Execution ration, and take from the Refusers thereof their Horses and Arms; and that they do also put strictly in Execution a Justices of the Peace, and others concerned to execute our Commands herein, are hereby required to certify an Act do hereby further strictly charge and command all Papists, and reputed Papists (except Merchant Foreigners, and the Second Day of March next, to depart out of the said Cities of London and Westminster, and Borough of Southwark strictly charge and command the Lord Mayor of London, and all Justices of the Peace of our Cities of London and diligent Search and Enquiry for, and with all Vigour proceed according to the said recited Act of Parliament, against London and Westminster, and Borough of Southwark, and within Ten Miles Distance of the same, after the said Statute our Royal Proclamation. And We do further strictly charge and command, that immediately after the said Statute Cities and Places, do go from House to House in their several Parishes, Hamlets, Constabularies, and Division sons as are Papists, or Popish Recusants, or reputed so to be, as well Householders, as Lodgers, or Servants, and quired to send for and proceed as aforesaid, against all such of them as are not Merchant Foreigners, or other the Recusants, Natives, and Denizens, who shall be above the Age of Sixteen Years, that they do, according to the remove or pass above the Distance of Five Miles, unless thereto licensed according to Law. And We do hereby further that they do use their utmost Endeavours to prevent and suppress all Riots, Tumults, and unlawful Assemblies speedy and effectual suppressing and punishing the same; and that all our loving Subjects be aiding and assisting

Given at Our Court at St. *James's*, the Twenty fourth 1

God save the

skett, Printers to the King's most Excellent Majesty. 1743.

The second O
The third O
A benefic'd
man on the first
tion,

1 Eliz. Cap. 1.

*The ancient Jurisdiction of the Crown of
England Asserted and Retrieved from the
Usurpations of the See of Rome: and
Enacted,*

Offences.

THAT every Arch-
bishop, Bishop, and
all other Ecclesiastical
Persons and Officers of
what Degree soever, eve-
ry Judge, Justice, Mayor and Lay Officer, and all
Persons having Fee or Wages from the Crown, who
shall not take the Oath of Supremacy hereby en-
joined,

Persons who refuse to
take the said Oath,

spiritual or Temporal; or be permitted to en-
ter into Orders, or take a Degree in the Univer-
sities.

Any Person who shall
maintain the Power or
Jurisdiction of any Fo-
reign Prelate, or Poten-
tate, within these Realms,

The second Offence,

The third Offence,

A benefic'd Clergy-
man on the first Convic-
tion,

Penalties.

Forfeit all their Ec-
clesiastical and Tempo-
ral Preferments and
Promotions.

Not to be admitted ^{Persons re-}
to any Preferment, ^{fusing it,}
Dignity or Promotion

Forfeits all his Goods ^{Maintain-}
and Chattels; and if he ^{ers of Fo-}
be not worth 20 l. shall ^{reign Pow-}
forfeit all the Goods ^{er.}
that he hath, and suffer
one Year's Imprison-
ment without Bail.

A Premunire.

High Treason.

All his Spiritual ^{Benefic'd}
Preferments void, ^{Clergy.}

No Person to be prosecuted for maintaining foreign Power, *by Preaching, or Words only*, unless indicted within one Year after the Offence; and if any Person shall be imprison'd for such Words, and not indicted within half a Year after the Offence committed, he shall be set at liberty: And none shall be indicted or arraign'd for any Offence against this Act, unless there be two Witnesses of the Fact, who shall be brought face to face before the Party at his Arraignment, to give their Evidence, if he require the same, if such Witnesses be then living and within the Realm: And it shall not be adjudg'd any Offence to relieve, aid or comfort a Person guilty of Treason, or incurring a Premunire by this Act, unless it can be proved by two Witnesses, that the Person aiding, &c. had Notice of the Offence when he administred such Relief.

The Oath of Supremacy enjoyn'd by
1 Eliz. cap. 1.

1 Eliz.
Cap. 1.
Oath of
Supremacy.

I A. B. do utterly testify and declare in my Conscience, that the Queen's Highness is the only Supream Governour of this Realm, and of all other her Highness's Dominions and Countries, as well in all Spiritual or Ecclesiastical Things or Causes as Temporal; and that no Foreign Prince, Person, Prelate, State, or Potentate, hath or ought to have, any Jurisdiction, Power, Superiority, Preheminence, or Authority Ecclesiastical or Spiritual within this Realm: And therefore I do utterly renounce and forsake all Foreign Jurisdicions, Powers, Superiorities and Authorities; and do promise, that from henceforth I shall bear Faith and true Allegiance to the Queen's Highness, her Heirs and lawful Successors: And to my Power shall assist and defend all Jurisdicions, Privileges, Preheminences and Authorities granted or belonging to the Queen's Highness, her Heirs and Successors, or united and annexed to the

the Imperial Crown of this Realm. So help me God, and by the Contents of this Book.

By the abrogating the Jurisdiction of any foreign Prelate, all Jurisdiction deriv'd from such Foreigner is abrogated likewise; and therefore the concurrent Jurisdiction which the Archbishop of Canterbury is suppos'd to have in the inferiour Diocesses, ought not now to be exercis'd by him, but is utterly taken away by this Act; for he had it not as Archbishop, but as *Legatus Natus* to the Pope, and if continued to be exercis'd, is a meer Usurpation; *Hob. 17. Dr. James's Case.*

*Notes on
1 Eliz.
Cap. 1.*

This Statute is not Introductory of a new Law; but Declaratory of the old, and annexes not any Jurisdiction to the Crown, but that which was, or of right ought to be, by the ancient Laws of this Realm, Parcel of the King's Jurisdiction; by which Laws the King, as Supream Head, hath full and entire Power in all Causes, Ecclesiastical as well as Temporal: for the Ecclesiastical Laws are the King's Laws as well as the Temporal, and the Judges of either of these Laws derive their Authority from him alone, *Cawdry's Case. Moore 755. Cawley 5.*

And in this respect the King is said to be *Persona mixta*, & *Persona mixta & unita cum Sacerdotibus*; for that he hath both Ecclesiastical and Temporal Jurisdiction; *10 H. 7. 18. Co. 2. 44. Bishop of Winchester's Case. Coke 13, 17. Case of Modus decimandi, vid. Co. lib. 6. Prefac'.*

The King is the Supream Ordinary, and by the ancient Laws of this Realm might, without any Act of Parliament, make Ordinances and Institutions for the Government of the Clergy, and might deprive them if they obey'd not. *Moore 755. C. 1043. Cro. Trin. 2 Jac. 37.* And if there be a Controversy between Spiritual Persons concerning their Jurisdiction, the King is Arbitrator, and 'tis a Right of his Crown to distribute to them, and to declare their Bounds. *Hob. 17. Dr. James's Case.*

And yet, altho these Jurisdictions Ecclesiastical and Temporal are both in the King, they are not to be confounded; for although both Laws are the King's Laws, yet they are to be administred distinctly: so that he who hath Ecclesiastical Jurisdiction derived from the King, ought not to usurp upon the Temporal Law; and the Ecclesiastical Judge who meddles in Temporal Causes or Suits, and draws the Interest or Cause of the Subject, which ought to be determin'd by the Common Law, *ad aliud examen, viz.* to be decided by the Ecclesiastical Law; offends *contra Coronam & Dignitatem Regiam*, in confounding those Jurisdictions of the King, which ought to be kept separate and distinct.

And in such Cases, not only a Prohibition lies, but the Ecclesiastical Judge, if the Cause originally belongs to the Common Law, and not to the Ecclesiastical Court, incurs a Premunire for depriving the Subject of the Benefit of the Common Law, which is his Birthright. *Co.* 12, 37, 38, 39, 40. *3 Inst.* 120.

And therefore it was resolv'd, That if a Man be excommunicated in the Bishop's Court, for a Matter which belongs to the Determination of the Common Law, 'tis no less than a Premunire; and that by force of the Word (elsewhere) in the Statute of 16 R. 2. Cap. 5. If any Man pursue in the Court of Rome, or elsewhere, &c. 5 E. 4, 6.

And by this Statute which restores to the King the Title and Exercise of the Power of Supream Head of the Church of *England*, and annexes to the Crown all Ecclesiastical Jurisdiction heretofore exercis'd by any Foreigner, the King as Supream Head may do whatever the Pope might formerly do within this Realm by the Canon Law. And upon this ground it was resolv'd, *Trin.* 39 *Eliz.* in *Hollingworth's Case* in the *King's-Bench*, That notwithstanding the Statute of 25 H. 8. Cap. 19. which makes the Sentence of the Delegates definitive, and saith that no further Appeal shall be had; yet the King after such definitive Sentence may grant a Commission

mission of Review: for that after a definitive Sentence, the Pope, as Supream Head by the Canon Law, us'd to grant a Commission *ad Revidendum*, Co. 4. *Inst.* 341.

The Jurisdiction and Authority hereby given to the late Court, commonly call'd the *High Commission Court*, are now taken away by Act of Parliament; but the Power here given the Queen to constitute such Commissioners, was no more than she had before by ancient Prerogative, and the Laws of *England*, for thereby she might have made such an Ecclesiastical Commission, if this Act of 1 *Eliz.* had never been made; Co. 5, 8, 9. *Cawdry's Case. Cro. Trin. 2 Jac. 37.*

1 Eliz. Cap. 2.

An Act for the Uniformity of Prayer and Administration of Sacraments.

Offences.

EVERY Minister refusing to use the Service according to the Common-Prayer Book of the 5 & 6 *Edw. 6. cap. 1.* as alter'd by this Act, or using any other Rite, Order, or Form, or speaking any thing in Derogation of the said Book, or depraving any thing therein,

A Clergy-man not benedic'd offending in like manner,

Persons depraving or ridiculing the said Book, or any thing therein, by Plays, Songs, Rhymes, or otherwise; or compelling

or

Penalties.

Forfeits for the first ^{Uniformity of Worship.} Offence (being a benedic'd Man) one Year's Profits of all his Spiritual Preferments, and shall suffer 6 Months Imprisonment; the second, Deprivation and a Year's Imprisonment; the third, Deprivation and Imprisonment for Life.

One Year's Imprisonment for the first ^{Not benedic'd.} Offence; the second, Imprisonment for Life.

Shall forfeit for the first ^{Depraving the Common-Prayer.} Offence a hundred Marks; or that not paid in six Weeks, suffer six Months Imprisonment;

B 3

se-

or procuring a Minister to say any other Service, or hindring or interrupting him in this,

second Offence four hundred Marks; or that not paid in six Weeks, one Year's Imprisonment; third Offence, forfeiture

of Goods and Chattels, and Imprisonment for Life.

*Absenting
from
Church.*

Every Person not repairing to his Parish-Church, or some other Church, every Sunday and Holiday,

shall incur the Censures of the Church, and forfeit 12 Pence.

Prosecution to be at the next Assizes or Sessions.

Such Ornaments of the Church, and of the Ministers, to be retain'd, as were prescrib'd by the 2d and 3d of *Edw. the Sixth*, Cap. 1. till further Order.

*Notes on
1 Eliz.
Cap. 2.*

Tho' all other Forms of Prayer are here forbidden to be us'd, this is only intended of such Prayers as are us'd in Hindrance or Opposition of the Common-Prayers, and not those us'd in the Pulpit before Sermon; for Statutes are to be interpreted rationally, and do not always require express Words to make the Exception. 4 *Inst.* 330, 331.

The hearing Mass has been adjudged to be a Maintaining within this Statute, and the Person hearing indictable thereupon. *Dyer* 203.

The Offender here cannot be punish'd for the second Offence, before he is adjudg'd for the first; and that second Offence must be committed after the Judgment given for the first; for, *quod non apparet, non est; & non apparet judicialiter ante judicium.* 2 *Inst.* 479.

If a Man resort to the Church or Chapel he has been accusom'd to, tho' it be not his Parish-Church, he satisfies the Intent of the Act. 1 *Bulst.* 159.

He ought to continue there the whole time of Prayer and Preaching, and behave himself decently; for if he walk or talk in the Church during the Service, or if he do not resort to evening as well as morning Service, he may be punish'd by this Act as if he were absent the whole Day. *Foster's Case.*

A Clergyman depraving, or not observing the Common-Prayer, is still punishable by the Ecclesiastical Judge, who may deprive him by their Law for the first Offence, notwithstanding this Act. *Cawdry's Case.*

The Patron must at his peril take notice of a Conviction of the Incumbent upon this Statute ; for if he present not within six Months after, a Lapse will incur against him, although no notice be given him : For all Men at their perils ought to take notice of an Act of Parliament, to which every one is Party, 39 E. 3. 7. Bishop of *Chichester's Case.* *Dyer*, 7. *Eliz.* 237. *Co. Holland's Case*, and *Digby's Case.* In which three last Cases, it was held, That no notice to the Patron is necessary upon an Avoidance, by the Statute of 21 H. 8. of Pluralities.

A *Feme Covert* is within this Statute, and shall forfeit 12*d.* if she repair not to Church every Sunday and Holiday, 11 Co. 61. *Dr. Foster's Case*, *Hob.* 97.

This Forfeiture of 12*d.* still remains, notwithstanding the Statute of 23 *Eliz.* cap. 1. which gives 20*l.* per Month for absenting from Church. 11 *Coke*, 63. *Dr. Forster's Case.*

5 Eliz. Cap. 1.

An Act for the Assurance of the Queen's Power over all Estates.

Offences.

Whoever shall maintain the Jurisdiction of the Bishop or See of *Rome* within the Queen's Dominions,

As well all Persons appointed by 1 *Eliz.* cap. 1.

to take the Oath of Supremacy ; as also all School-Masters, Tutors, Lawyers, Attorneys, Sheriffs and Officers in all Courts, who shall refuse the said Oath,

Penalties.

Incurs a **Premunire**, *Maintain- ing the Pope's Authority.* he, his Accessaries, and Abettors. Prosecution to be within one Year at the Assizes or Sessions.

Incur a **Premunire**. *Oath of Supremacy, first Tender.*

Offences.

Penalties.

Second |
Tender.

Refusing it upon a second Tender, or being formerly convicted of maintaining the Pope's Authority, and offending a second time,

High Treason in them and their Accessaries, but no Corruption of Blood, Loss of Dower, or Disheirson of the Heir.

Members
of Parlia-
ment.

Every Member of the House of Commons not taking it before he sits or votes,

Liable to the same Penalties as he who presumes to sit without being chosen.

None compellable to take the Oath on a second Tender, save Clergymen, Officers of Ecclesiastical Courts, such as do not conform, and observe the Rites of Divine Service, such as deprave the same, or use to hear Mass.

Notes on
5 Eliz.
Cap. I.

Whoever prints, imports, publishes, or disperses such Books as maintain the Jurisdiction of the Bishop or See of Rome, knowing the Contents, is an Offender within this Act; and for the first Offence incurs a *Premunire*, and for the second is guilty of High Treason. *Dyer*, 281, 282 *Pl.* and 6 *Coke*, the Preface.

The King cannot dispense with a Member of the House of Commons taking the Oath of Supremacy. *Vaughan*, 355. *Thomas* and *Sorrel's* Case.

If a Man hears Mass but once in his Life-time, upon a second Refusal of this Oath, he shall be adjudged guilty of High Treason.

The Judgment in a *Premunire* is to be out of the King's Protection; Lands, Tenements, Goods, and Chattels forfeited to the King, (Entail'd Lands but for Life) and perpetual Imprisonment, 1 *Inst.* 129, 130. He is disabled to be a Witness, 1 *Inst.* 6. or to bring any Action, *Littleton* 41. but the Offender is not so out of the King's Protection, that any one may kill him, as he was heretofore in Cases of *Premunire*.

Every Clergyman, or Person in Orders, is not within the danger of this Law, upon the second Tender and Refusal of the Oath, as *Wing. Tit. Crown*, N. 30.

13 ELIZ. Cap. 2.

9

N. 30. mistakes; for every Priest or Minister is *Clericus*, *Dyer*, 3 *Eliz.* 203. and yet shall not incur the Penalty of High Treason upon the second Refusal, unless he be a local Minister, or have some Charge, Cure, or Office in the Church. *Cawley*, 45.

13 Eliz. Cap. 2.

Penalties for bringing in and putting in execution Bulls brought from Rome.

Offences.

Whoever shall sue for, obtain, or put in ure Bulls of Absolution or Reconciliation from the Bishop of *Rome*, or absolve, or be absolved thereby,

The Comforters and Maintainers of such Offenders,

The Concealers, unless they make a Discovery in 6 Weeks to some of the Privy Council,

Whoever shall bring into these Realms any *Ag-nus Dei*, Crosses, Pictures, or Beads, and deliver or offer them to any Person to be us'd; the Person so offering, and the Person receiving them for that End,

Penalties.

They and their Accessaries before the Fact, shall be adjudged guilty of High Treason.

Incur a Premunire. *Their Aiders.*

Guilty of *Dispersion* Concealers. of Treason.

Incur a Premunire, *Popish Pictures.* unless the Party receiving them discover the Bringer in three Days to a Justice of Peace; and the Justice incurs a Premunire, if he does not disclose the Matter to one of the Privy Council within 14 Days.

To make the bringing in Crosses, &c. penal, there must be several concurring Circumstances; they must be brought in and offer'd by the same Person; for neither the bringing them in alone, nor the offering them by a Person who did not bring them in, does bring either within the Danger of this Law; they must

Notes on
13 *Eliz.*
Cap. 2.

must also be offered to a Subject of this Realm; and they must be given and received with an Intent to have them worn or us'd, or it is not penal to either. *Cawley, 52.*

If the Party, to whom such superstitious Things are offer'd, brings the Offender to any Justice of Peace of the County, tho' it be not the next Justice, the Intent of the Act is satisfy'd; for the word [next] in such Cases in Acts of Parliament, is not to be taken strictly, *Style 246, Pl. Maine and Serjeant's Case.* 'Tis sufficient for the Justice of Peace to disclose it to any one Member of the Privy Council. *Cawley, 54.*

23 Eliz. Cap. 1.

An Act for retaining the Queen's Subjects in their due Obedience.

Offences.

Penalties.

Withdrawing any from the Religion establish'd.

HAVING, or pretending to have Power, or to put in Practice to absolve, perswade, or withdraw any from their Obedience to her Majesty; or to withdraw them for that Intent from the Religion established, to the *Romish* Religion; and Persons who shall be so withdrawn, their Procurers and Counsellors, guilty of

High Treason.

Their Aiders.

Their Aiders and Maintainers not discovering them to a Justice of Peace within 20 Days,

Dispension of Treason.

Saying Mass.

A Person saying Mass, one Year's Imprisonment, and until the Fine be paid.

Forfeits two hundred Marks, and shall suffer

Hearing Mass.

A Person hearing Mass,

100 Marks, and one Year's Imprisonment.

Absenting from Church a Month.

One not repairing to Church according to 1 Eliz. Cap. 2.

20 l. for every Month he is absent.

Ab-

Ab-

Abstenting by the space of 12 Months, and a Certificate made thereof by the Ordinary in the King's-Bench,

Whoever shall keep a School-master who absents himself from Church, or who is not allow'd by the Ordinary,

Offenders submitting and conforming before Judgment,

Offences against this Act, and the 1st, 5th, and 13th of *Eliz.* concerning her Majesty's Supremacy, the Service of God, Establishment of the true Religion; and all other Offences against this Act, inquirable as well before Justices of Peace in their Sessions, as other Justices named in the said Statutes, within one Year and a Day after the Offence.

The Forfeitures in this Act shall be divided into three equal Parts.

One Third to the Queen's Majesty for her own Use.

One other Third to the Queen, for Relief of the Poor of the Parish where the Offence was committed.

The other Third to such Person as will sue for the same.

Fraudulent Assurances to avoid Forfeitures, void.

Persons of Quality having the Service in their Houses, and who come to the Publick Worship four times a Year, exempted from the Penalties in this Act.

A Prosecutor on this Statute, if the Offender be acquitted, or the Grand Jury bring in *Ignoramus*, is liable to an Action. *Hill. 1. Car. 1. Smith and Crasshaw.*

By being lawfully convicted, is not intended that the Party must have been convicted in some former Suit; but a Conviction upon the same Indictment or Informa-

A Justice of Peace shall bind such Person to his good Behaviour, until he repair to Church, with two sufficient Sureties in 200 l.

Forfeits 10 l. per Month, and the School-master disabled to teach and shall suffer one Year's Imprisonment without Bail.

Discharged of the Penalties, except in Cases of Treason, and Misprision of Treason.

Abstenting 12 Months

Keeping a School-master

Conforming

Persons of Quality

Notes on 23 Eliz. Cap. 1.

Information which is brought against him, is a sufficient Conviction within the Meaning of this Act; and so are all Penal Statutes which have these Words, *Being thereof lawfully convicted*, to be understood, viz. Of a Conviction on the same Suit, whereupon the Penalty is to be recover'd. 1 Rolle 90. Pl. 41. Dr. Foster's Case.

Where a Statute gives a Forfeiture, and does not appoint it for any particular Person, the King shall have it of course, 2 Anderson 128. Pl. 73. Agard and Gandish.

The Month here is to be accounted but 28 Days, so that the Recusant will forfeit thirteen score Pounds in the whole Year.

2 Cro. 529. Pl. An Information was brought against Sir John Curson and his Wife, for the Recusancy of the Wife for 11 Months; and upon Not guilty pleaded, Pasch. 17 Jac. in B. R. at the Trial, it was proved that she conformed, and came to Church for part of the time in the Information: yet seeing she was a Recusant before and after, the Court were of Opinion that her Conformity for some part of the time should not excuse her, and she was found guilty for the whole time.

The Security mentioned in the Act is to be taken in the Court of King's-Bench.

Popish Recusants convict will not be accepted for Sureties, Griffith. 2 Bulstrode 155.

The word School-master extends to Ushers and Assistants in Schools.

As to such Offences as are made Treason by this Act, no time is limited for the Prosecution.

The Manner of a Recusant's Submission and Conformity, Co. Ent. 569.

If any Informer upon a Penal Statute, where a Forfeiture is appointed to him that will sue, shall discontinue his Suit, be Nonsuit, or the Trial go against him, he shall pay the Defendant his Costs and Charges. Additions to Benloe 141. Robotham and Vincent.

By

By Courts of Record here are intended, the four ordinary Courts of Record at *Westminster*, and the Informer *qui tam* cannot sue before Justices of Assize, Goal-Delivery, or Oyer and Terminer. *Jones* 193.

This Offence of not coming to Church, being but a Non-Feazance, cannot be said to be in any certain Place; and for this Reason, in a popular Action brought by the Informer *qui tam*, &c. there needs no Place to be alledg'd in the Declaration. *Cawley* 60.

The Informer shew'd that the Recusant was absent from Church from 10 September 15 Jac. unto the 9th of September 16 Jac. and demanded two hundred and twenty Pounds for 11 Months, upon *non Culp.* pleaded; it was found against the Defendant. And it was resolv'd, That altho' the Informer had demanded less than by his own shewing was due (for the time mentioned in the Information was 13 Months compleat, except one Day) yet the Information was well enough, for the Recovery shall be intended to be for the 11 Months, when the Recusant was first absent, and the Addition of more time is not material. *Cro. Pasch.* 17 Jac. 529, 530. 2 Roll. 90. *Parker v. Sir John Curson and his Wife.*

Upon a Penal Statute where part of the Forfeiture is given to the King, and part to him that will sue the Informer or Plaintiff, *Qui tam &c. sequitur tam pro Domino Rege, quam pro seipso*; and so it must be said in the Information or Declaration, and not only there, but in joining of Issue, and the *Venire Facias*, it must be entred *qui tam pro Domino Rege, &c.* or the Omission of it is Error, *Cro. Mich.* 9 Car. *Cawley* 71.

In an Information upon this Statute, the usual way is that the Informer for himself, *petit inde tertiam Partem juxta formam Statuti*; vide *Co.* 11. 56. Dr. *Foster's Case*. But then the Statute must be named; for in an Information by *Broughton, qui tam, &c.* against *Moore*, for forbearing to come to Church, *contra formam Statuti*, without naming which Statute. In which Case the Informer demanded the third part for himself; it was adjudged by the Court of King's Bench

Bench to be ill, for there are several Statutes against Recusancy, and it did not appear which of them was meant. *Cro. Mich. 4 Jac. 142.*

But if this Statute be named in certain, and the Party who sues demand the whole Forfeiture for the King and himself, and Judgment be given that the King recover one Moiety, and the Informer or Plaintiff, *qui tam*, &c. the other Moiety; in that Case the Judgment is well enough. *Cawley, 72.*

By the Statute of 31 *Eliz.* if the Informer, *qui tam*, &c. doth not prosecute within a Year after the Offence, yet the King may at any time, within two Years after that Year ended. And therefore it was resolv'd, in the Case of *Syvedale*, and Sir *Edward Lenthall*, where an Information was brought in the Court of *Exchequer*, *tam pro Domino Rege quam pro seipso*, upon the Statute of 3 *Jac. Cap. 4.* for three Years Forbearance to receive the Sacrament after Conformity; that although it was not good for the Informer, yet it was well enough as to the King. *Cro. Jac. 366.*

A natural-born Subject, or a Denizen, being Defendant in any Suit upon a Penal Law in the *King's-Bench*, *Common-Pleas*, or *Exchequer*, is not compellable to put in special Bail, but may appear by Attorney. *Stat. 29 Eliz. Cap. 5. 31 Eliz. Cap. 10. Telv. 53. St. George's Case.*

An Information of Recusancy lies against an Alien upon this Statute, if he inhabits within the Realm, and if Judgment be had against him, he may have a Writ of Error to relieve himself. *Co. 1 Inst. 129.*

If an Information be brought upon this Statute for not coming to Church for a Month, there if the Defendant proves that he was at Church any time within that Month, it shall be sufficient to avoid the Penalty of 20 *l.* And as the Defendant's giving in Evidence that he was at Church within the Compass of any other Month, than that which is laid in the Information, shall not excuse him; so the Informer's Proof of his Absence any other Month, shall not hurt him,

him, but the Evidence must go to the very same Month which the Information mentions. *Cawley 77.*

27 Eliz. Cap. 2.

Jesuits and Priests in England shall depart, and none shall come into this Realm: The Penalty for relieving them, &c.

Offences.

Penalties.

Jesuits, Seminary Priests, and other Ecclesiastical Persons, born

Guilty of **High Treason.** *Jesuits and Priests.*

in these Realms, and ordain'd by the pretended Authority of the See of *Rome*, coming into, or remaining in the Queen's Dominions,

Their Receivers, Aiders, and Maintainers, knowing them to be such,

Felony without Benefit of Clergy. *Their Aiders.*

All others brought up in Seminaries beyond Sea,

High Treason.

Persons brought up in Seminaries.

(and not in Orders) not returning in six Months after Proclamation in *London*, and within two Days after their Return, submitting and taking the Oath of Supremacy,

Giving, carrying, or sending Relief to any Ecclesiastical Person or Seminary beyond Sea,

A Premunire.

Relieving them.

A Jesuit, or other Ecclesiastical Person, who, within three Days after

Discharged of the Penalties.

Jesuit's Submission.

his Return, submits, and takes the Oath of Supremacy,

Any Person knowing a Jesuit or Priest to remain within the Queen's Dominions, and does not

To be fin'd, and imprisoned at the Queen's Pleasure. *Concealing him.*

within 12 Days discover him to a Justice of Peace,

The Justice of Peace not discovering it to the Privy Council within 28 Days,

Forfeits two hundred Marks. *Justice of Peace not discovering him.*

Oaths,

Offences.

Penalties.

Default of
Certifying.Jesuits
coming to
Court.Notes on
27 Eliz.
Cap. 2.

Oaths, Bonds, and Submissions to be certified in to the King's Bench within three Months, Persons having submitted, who, within the space of 10 Years after, shall come within ten Miles of the Court,

In pain of 100 l.

To lose the Advantage of their Submission.

A Jesuit, Priest, or other Ecclesiastical Person's taking the Oath, and making his Submission, will not exempt him from the Danger of this Law, if he do not continue his Obedience to the Laws made in Cases of Religion; for if afterwards he shew his Disobedience by forbearing to come to Church, &c. he may be indicted as a Traitor for coming into the Realm, as if he had never made his Submission.

By her Highness's Laws in this Act, are intended as well those of her Successors as those made in her own time; for in Acts of Parliament, the words *King* and *Queen* include their Successors, unless there be express Words of Restraint. 6 Co. 27. The Soldier's Case. 1 Inst. 9. 2 Inst. 742.

Treason committed in *Ireland* may be tried in *England*. Resolved by all the Judges in *Orooke's Case*, *Anderson*, 263. Pl.

29 Eliz. Cap. 6.

Certain Assurances made by Recusants of their Lands, shall be void as to the Queen.

Offences.

Penalties.

Fraudulent
Conveyances
by Pa-
pists.Absenting
from
Church af-
ter Con-
viction.

Recusant charging or incumbering his Estate to prevent Seizures or Forfeitures,

Every Offender not repairing to Church in such of the Terms of *Easter* and *Michaelmas*, as shall first

Such Charges, &c. against the Queen, shall be void.

The Queen may seize all his Goods, and two thirds of his Lands and Leases for the

Offences.

first happen next after his Conviction,

the Forfeitures of 20 *l.* per Month, without any fresh Conviction, until he comes to Church.

When any Indictment is found against such an Offender, and Proclamation made that he render himself to the Sheriff before the next Assizes, and he neglect,

The Offenders conforming,

As to seizing the Recusant's Lands and Tenements, there must first be an Office found for the King; for regularly, before such Office found, Lands or Tenements cannot be seized into the King's hands. 2 *Inst.* 573. and 8 *Co.* 169. *Stoughter's Case.*

'Tho' a Recusant be indicted and convicted, and fail of paying the 20 *l.* per Month, his Goods are not thereby forfeited to the King before Seizure; for the King hath his Election, whether he will seize them or no. *Coke Chief Justice, B. R. 12 Jac. Cullom versus Sherman. 1 Rol. 7.*

Where the Offender's Goods are given to the King by Act of Parliament, all Debts and Personal Chattels, and Actions, are thereby given him, as well as Goods in Possession; for instance, Money due to the Recusant upon Bond, &c. the King shall have it.

If an Obligation be forfeited to the King, by virtue of this Statute, he may grant it over, as he may any other Chattel in Action, under his private Seal, 1 *Rol. 7. Cullom versus Sherman.*

It has been doubted whether Copyhold Lands are liable to be seiz'd by this Act; but in the Case of *Sulhard and Everet, Owen 37.* it is reported, that, after great Debate, it was adjudg'd, that Copyhold Lands were not liable to be seiz'd. *Cawley 107.*

C

Penalties.

the Forfeitures of 20 *l.* per Month then due, and afterwards half yearly, for

Such Neglect shall be as sufficient a Conviction, as if upon the same Indictment a Trial by Verdict had proceeded.

The Forfeiture to cease,

Proclamation.

Notes on 29 Eliz. Cap. 6.

35 Eliz.

35 Eliz. Cap. I.

Punishment of Persons obstinately refusing to come to Church, and persuading others to impugn the Queen's Authority in Ecclesiastical Causes.

*Absenting
from
Church.*

Offences.

IF any one above 16 Years of Age, shall be convicted of absenting himself from Church one

*Impugning
the Queen's
Authority.
Frequenting
of Conven-
ticles.*

Month, without lawful Cause, impugn the Queen's Authority in

*Refusing to
conform 3
Months.*

Causes Ecclesiastical, frequent Conventicles, or persuade others so to do, on pretence of Exercise of Religion,

*Refusing to
conform 3
Months.*

If within 3 Month after such Conviction, he refuses to conform, and submit himself, being

*Refusing to
abjure.*

thereto lawfully required, If the Offender refuses to abjure, or return with-

Submission.

out the Queen's Licence, If he submits before he is required to abjure,

Relapse.

The Minister of the Parish where the Submission is made, shall enter the same in a Book, and within 10 Days after certify it to the Bishop of the Diocese.

Abjure.

The Offender, who, after his Submission, falls into a Relapse,

The Offender, who abjures, or being requir'd, refuses so to do,

Penalties.

He shall be committed to Prison, and there remain until he conforms himself, and makes the Submission prescribed by this Act.

He shall in open Assize or Sessions abjure the Realm.

Felony without Benefit of Clergy.

Discharged of the Penalties.

Shall have no Benefit by his Submission.

Forfeits all his Goods and his Lands during Life.

A Feme Covert shall not be compell'd to abjure.

Thefe

These Offences create no Corruption of Blood, Loss of Dower, or Disinheritance of the Heir.

Submission to be made by a Dissenter, 35 Eliz. Cap. 1.

I A. B. do humbly confess and acknowledge, that I have grievously offended God in contemning her Majesty's godly and lawful Government and Authority, by absenting myself from Church, and from hearing Divine Service, contrary to the godly Laws and Statutes of this Realm; and in using and frequenting disorder'd and unlawful Conventicles and Assemblies, under pretence and colour of Exercise of Religion; and I am heartily sorry for the same, and do acknowledge and testify in my Conscience, that no Person hath, or ought to have any Power or Authority over her Majesty. And I do promise and protest, without any Dissimulation, or any Colour or Means of any Dispensation, That from henceforth I will from time to time obey and perform her Majesty's Laws and Statutes in repairing to the Church and hearing Divine Service, and do my utmost Endeavour to maintain and defend the same.

Being thereof lawfully convicted, relates to more Offences than one; for if he be convicted of Absence from Church, if he be not also guilty of some other Offence here enumerated, as going to Conventicles, or moving or persuading others, &c. the one without the other is not penal by this Act. *Cawley 114.* *Notes on 35 Eliz. Cap. 1.*

It is not necessary the Offender should be convicted of Absence upon any prior Indictment; for if he offend against this Act in any other particular, he may be convicted both of that Offence, and of his Absence upon the same Indictment. *Mich. 16 Car. 1.* The Case of *Lee* and others. *Ibid. 115.*

Every Abjuration is an Exile or Banishment; and if perpetual, and by Authority of Parliament, amounts to a civil Death; insomuch that the Wife of a Man banish'd, or abjur'd for ever, might sue or be sued

fu'd without her Husband, be endow'd, or have her Jointure, as if he were actually dead. Lady *Maltraver's* Case, 10 *Edw.* 3. Lady *Belknap*, 1 *H.* 4. But by this Act the Wife cannot have Jointure or Dower, because the Offender's Lands are forfeited to the Crown during his natural Life.

The former part of this Statute appoints the Conformity and Submission to be at any Church, Chapel, or usual Place of Common-Prayer, but afterwards directs such Conformity and Submission to be at some Parish Church; the Meaning whereof seems to be, That if a Man be an Offender against this Act, and convicted, he may within the three Months after his Conviction, conform and submit in any Church, Chapel, or usual Place of Common-Prayer, where there is Common-Prayer, and either a Sermon, or the Gospel read. But if he be required within the three Months to conform and make Submission, and he refuses so to do, but the three Months expire; then his Conformity and Submission must be more solemn and publick, (*viz.*) in some Parish-Church, where it is presumed there will be the greatest Number of People to be Witnesses thereof. And by this Construction the seeming Difference between those two Branches of the Statute, one whereof limits the Offender to a Parish-Church, and the other leaves him at large to any Church, Chapel, or usual Place of Common-Prayer, is reconcil'd. *Cawley* 117.

By Parish-Church is to be understood, not only that which hath been always the Mother-Church, and never belong'd to any other, but every Church which hath the Administration of Sacraments and Sepulture; for that in Law is a Parish-Church, altho it antiently belong'd to another Church. *Co. 2 Inst.* 363. where the Issue was, whether it had *Baptisterium & Sepulturam*. And the Church of *Stoke Goldenham*, tho the Town was Parcel of the Rectory of *Hinckley*, whose Church was antiently the Mother-Church; yet having all Parochial Rights, and Church-wardens, was adjudged a Parish-Church, and

and within the Meaning of the Statute of 43 *Eliz.* cap. 2. of the Poor. *Hutton* 93. *Hilton* and *Paule's* Case.

Before this Statute the Queen had no way to recover of the Husband the intire Forfeiture for Recusancy of his Wife; for if the Wife had been indicted of Recusancy at the Queen's Suit, and convicted thereupon, this had not affected the Husband, who shall never be charg'd for the Act or Default of his Wife, but where he may be made Party to the Action or Suit, as in an Action of Debt, Trespass, Action of the Case for scandalous Words by the Wife, &c. but not upon an Indictment. And in this respect the Queen having, before this Statute, no Remedy for Recovery of the Forfeiture but by Indictment, where the Husband could not be charg'd for his Wife, the Informer was then in better Case than the Queen, for he may charge the Husband and Wife both for the Recusancy of the Wife, and shall recover the Forfeiture of him by force of the Statute of 23 *Eliz.* cap. 1. *vid.* that *Stat. sect.* 9. But upon the Conviction of the Wife upon Indictment, the Queen must have staid till the Death of the Husband, before she could have levied the Forfeiture; and if the Wife had died before her Husband, it was utterly lost in most Cases. But by this Act the Queen might, and the King may at this day, charge the Husband and Wife jointly by Action of Debt, Bill, Plaint, or Information, for the Recusancy of the Wife, in such sort as he may be charg'd in any other Action at Common Law, for the Debt or Trespass of his Wife, and the Forfeiture for her Recusancy shall be recovered of him. *Cawley* 123.

In the late Additions to *Dalton*, cap. 81. *Tit. Recusants*, *Sect.* 7. 'tis said that no married Woman is punishable by this Statute, but that they are thereout excepted; whereas, in truth, they are no where excepted throughout this Statute, save only that they shall not be compelled or bound to abjure: For if a married Woman comes not to Church, but forbears

for a Month, and goes to Conventicles, or any other Meetings or Assemblies, under Colour or Pretence of the Exercise of Religion, contrary to Law, whether they be Popish or other, or persuades others so to do, or to forbear the Church, or to impugn the King's Authority in Causes Ecclesiastical; she shall be imprison'd by force of this Act, until she conform and submit herself: but she cannot be further proceeded against, so as to require her to abjure. A married Woman, with her Husband, is likewise punishable by this Act, for her Recusancy by Action of Debt, &c. brought against her and her Husband, at the King's Suit; so that 'tis a great Mistake to say she is not punishable by this Statute. *Cawley 124.*

35 Eliz. Cap. 2.

Penalty of a convicted Popish Recusant, removing above five Miles from his House. Where a Recusant, having no House, shall make his Abode.

	Offences.	Penalties.
Recusant Convict <i>not to go above five Miles from his House.</i>	A Popish Recusant Convict above 16 Years of Age, who does not within 40 Days after his Conviction repair to his Dwelling, and remain there (not going above five Miles from thence)	Forfeits all his Goods; his Lands and Annuities during Life.
If he has no certain Abode.	If he hath no certain Place of Abode, he is to repair to the Place where he was born, or where his Father and Mother dwell; and within 20 Days after, to give his Name in Writing to the Minister, Constables, and Headboroughs, who are to certify the same to the next Quarter Sessions, to be enroll'd: the Minister is to enter it in a Book to be kept for that Purpose.	
Copyhold.	The Offender being a Copyholder,	Forfeits his Copyhold for Life to the Lord of the Mannor, if such Lord be no Recusant Convict, or seiz'd thereof to

to the Use of such Recusant ; and if he be, the same Forfeiture to the Queen's Majesty.

Provided, that any Person hereby restrain'd from travelling above 5 Miles from home, may be licensed by two Justices of Peace, with the Assent of the Bishop, Lieutenant, or Deputy-Lieutenant, to travel about his necessary Business; and Persons summon'd by legal Process to appear in any Court, may appear there accordingly notwithstanding this Act.

A Popish Recusant Shall before two Justices of the Peace, or Coroner, **abjure the Realm;** *To abjure.* which Abjuration shall be certified at the next Assizes or Goal-Delivery. (being no Feme Covert, nor having Lands worth 20 Marks *per Ann.* or Goods worth 40 *l.*) who doth not within the time limited repair to the Place of his Abode, or departs above five Miles thence, and doth not within three Months after his Apprehension, make the Submission herein prescribed, being required by the Bishop, Justice of the Peace, or Minister of the Parish, so to do,

Such Popish Recusant **Adjudged a Felon** *Not departing in the time set.* not departing within the time limited by the Justices, or the Coroner, or returning without Licence,

A Jesuit, or Priest, or one suspected to be so, **To be committed to Prison** till he answers *Jesuit refusing to be examin'd.* directly, refusing to answer whether he be so or not,

Such Offender before **Discharged** of the *Conforming* Penalties inflicted by this Act. Conviction repairing to Church some Sunday or Holy-day, and hearing Divine Service, and before the Gospel, making the Confession here prescribed,

The Offender, after **Shall have no Benefit** *Relapsing.* Submission, relapsing, **by his Submission.**

The Minister of the Parish where such Submission is made, shall enter the same in a Book, and certify it to the Bishop within ten Days.

Married Women are included, save in the Clause relating to Abjuration.

Submission to be made by a Popish Recusant,
35 Eliz. Cap. 2.

I A. B. do humbly confess and acknowledge, that I have grievously offended God in contemning her Majesty's Godly and Lawful Government and Authority, by absenting my self from Church, and from hearing Divine Service, contrary to the godly Laws and Statutes of this Realm, and I am heartily sorry for the same; and I do acknowledge and testify in my Conscience, That the Bishop and See of Rome, hath not, nor ought to have, any Power or Authority over her Majesty, or within any her Majesty's Realms or Dominions: And I do promise and protest, without Dissimulation, or any Colour, or Means of any Dispensation, That from henceforth I will from time to time, obey and perform her Majesty's Laws and Statutes in repairing to Church, and hearing Divine Service, and do my uttermost Endeavour to maintain and defend the same.

Notes on
35 Eliz.
Cap. 2.

If a Popish Recusant repairs to the Place appointed him by this Act, and keeps within the Compass of five Miles, but omits to present himself, and deliver his Name, as the Act requires, he shall not forfeit his Lands or Goods by such Omission, but he may be indicted for his Neglect, and fin'd; for where an Act of Parliament commands any thing to be done, and inflicts no Penalty, an Indictment lieth against the Person who ought to do it, for his Neglect or Omission. 2 Inst. 55. 163. Cro. 655. Crowther's Case.

The Offender who is requir'd to abjure, is oblig'd by this Act to depart from the Port assign'd him, and within the time limited by the Justice of Peace, &c. insomuch that if he go from any other Port, or stay beyond his time, tho' he does go afterwards, he shall be deem'd a Felon.

One

One Justice may examine a Person suspected to be a Priest or Jesuit, and on his Refusal to answer, commit him; but the Person suspected is not compellable by this Act to answer any other Questions, than whether he be a Jesuit, Seminary, or Massing Priest.

A Person summon'd or cited by any Court to appear, does not come within the Danger of this Act for travelling above five Miles from home.

All *Popish* Recusants are not within this Act, as *Wingate, Tit. Crown* 78. mistakes, for it extends not to an Alien who is born out of the King's Ligeance, unless he be made a Denizen. *Cawley* 128.

This Statute puts a great Difference between the Popish Recusant, who hath a certain Place of Abode in this Realm, and him that hath none; for to restrain a Popish Recusant who hath a certain Place of Abode within this Realm, from travelling above five Miles, there are three Qualifications required by the Act. 1. That he be convicted of Recusancy. 2. That he be a Popish Recusant at the time of his Conviction. 3. That at the time of such Conviction he be within this Realm; and if either of these fail, he is not restrained by this Act. But if a Popish Recusant have no certain Place of Abode within this Realm, but is ubiquitary, there no such Qualifications are requir'd; but if he be a Papist, and doth not usually repair to Church, but forbears so to do, he ought to repair to the Place where he was born, or where his Father or Mother dwelt, and not to remove above five Miles from thence, and that whether he be convicted or not. For the Statute, when it comes to speak of him who hath no certain Place of Abode, leaves out all the aforesaid Qualifications requir'd in him who had a certain Place of Abode; and it clearly distinguishes between him who is convicted for not repairing to some Church, &c. (which is required in those whose Abode is certain) and him who doth not usually repair to some Church, &c. which in those whose Abode is uncertain, is sufficient to bring them within the Danger and Penalty of this Law,

Law, if they repair not to the Place appointed them by the Act, or remove above five Miles from thence. And 'tis observable, that in the Clause which speaks of the Popish Recusant, who hath no certain Place of Abode, there is no mention made of 40 Days to be allow'd him after his Conviction, to repair to the Place appointed him; the Reason whereof is, because it takes in the whole kind of such Popish Recusants, as well the not convicted as the convicted; and makes no distinction between them if they have no certain Place of Abode, *Et ubi Lex non distinguit, nec nos distinguere debemus.* Cawley 132.

Nor was it without great Reason, that ubiquitary Popish Recusants should be confin'd, whether they were convicted, or not convicted. As for the other, who have a certain Place of Abode, it is to be presum'd that the most considerable of them would be prosecuted and convicted for their Recusancy in the respective Places where they dwell; and *de Minimis non curat Lex*, may in this Case be applied to Persons as well as in other Cases to Things: But as for him who is fix'd to no certain Place, as he is the more dangerous of the two, so the more unlikely to be prosecuted to a Conviction, being here one day, and gone the next, and therefore the less taken notice of. And had the Statute taken in only such as are convicted, it would have been eluded and rendred ineffectual, for want of a Conviction of the greater part of such ubiquitary Recusants. Cawley 132.

If a Popish Recusant who offends against this Act, hath 15 Marks *per Ann.* clearly in Lands, and be worth thirty Pounds in Goods, although this taken together, be in truth an Estate of more value than is here required, yet it shall not free him from Abjuration; for the Statute doth not warrant any Valuation of the Lands and Goods together, so as to supply the Defect of the yearly Value of the Lands by the Goods, or the Defect of the Value of the Goods by the Lands; and therefore the Recusant must have such

such an Estate in the one or the other, as will answer the Statute. *Cawley* 136.

But yet if a Popish Recusant hath a Lease for Years, and personal Goods, and both do amount in value to above forty Pounds, he shall be out of the Danger of Abjuration: For altho' the Lease is in the Reality, and the Goods are Personal, yet they shall in this Case be valued together. *Cawley* 137.

Money secur'd upon a Mortgage of Lands, is within the Meaning of these Words (*Goods and Chattels*.) And if the Popish Recusant hath above 40 Pounds owing to him upon such Mortgage, he cannot be required to abjure. *Cawley* 137.

If the Offender be not before the end of the three Months next after his Apprehension, required by the Bishop, a Justice of Peace, or the Minister or Curate, to make such Submission, he cannot be required afterwards, nor be compelled to abjure by force of this Act. But if he be requir'd within the three Months to make Submission, and refuse, he may be at any time afterwards warn'd or requir'd to abjure. *Cawley* 138.

The Oath of Abjuration may be in this Form,
or to this Effect.

YOU shall swear that you shall depart out of this Realm of England, and out of all other the King's Majesty's Dominions: And that you shall not return hither, or come again into any of his Majesty's Dominions, but by the Licence of our said Sovereign Lord the King, or of his Heirs. So help you God. 3 Inst. 217.

He that thus abjures the Realm, doth yet owe the King his Ligeance, and remaineth within the King's Protection, *Qui abjurat Regnum, amittit Regnum, sed non Regem; amittit Patriam, sed non Patrem Patriæ. Co. 2. 9. Calvin's Case.*

It seems clear that no Submission, Confession, or Declaration, can discharge the Popish Recusant who is an Offender within this Act, from any Pain or Forfeiture

Forfeiture thereby inflicted, unless it be perform'd in some Parish-Church. *Cawley 143.*

1 Jac. I. Cap. 4.

In what Case a Recusant's Heir shall be charged, and in what not. The Penalty of going or sending any into Popish Seminaries.

ALL Statutes against Jesuits, Priests, and Recusants, shall be put in Execution.

*Offences.**Penalties.*

The Heir of a Recusant conforming.

Where the Ancestor dies a Recusant, the Heir being none, or conforming, and taking the Oath of Supremacy before the Bishop of the Diocess,

His Land shall be freed from all Penalties.

Continuing a Recusant.

If the Heir continues a Recusant when he comes to 16 Years of Age,

His Lands shall not be freed until he conform and take the Oath of Supremacy.

But where any Seizure shall be of two Parts of the Lands, &c. for the not Payment of the 20 l. per Month, such two Parts shall go towards the Satisfaction and Payment of the said Forfeiture of 20 l. per Month; and the third Part of every Recusant's Lands shall remain clear to him from Seizure and Extent; the other two Parts shall remain in the King's hands until the King shall be fully satisfied all the Arrears of the 20 l. per Month, according to the 23d *Eli. cap. 1.*

Sending a Child to a Seminary.

Whoever shall send a Child, or other Person under their Government beyond Sea, to the Intent to enter into, or be resident in any Popish College

Forfeits 100 l.

Confo

or Seminary, or to repair to the same to be instructed
in Popery,

Every Person so passing,
or being sent beyond Sea,

Profits, Hereditaments, Goods, Chattels, Debts,
Legacies, or Sums of Money within this Realm.

All Estates and Inter-
ests made, suffer'd, or
done, for the Use, Benefit,
or Relief of such Person

A Child under the Age
of 21, being suffer'd to
pass the Seas without
Licence from the King,
or six of the Council un-
der their Hands (except
Sailors, Merchants, &c.)

Whoever shall keep a
School out of the Univer-
sities, except a Free-
School, or in some Per-
son's House that is no

Recusant, or by Licence of the Bishop or Ordinary,

The one half of the Forfeitures in this Act to the
King, the other to him that will sue for the same in
any of the Courts at *Westminster*.

If Judgment be had at the King's Suit against a
Recusant, Tenant in Tail, who dies, his Heir in
Tail will not be discharged, unless he conforms, but
must satisfy all the Arrears incurr'd in the Life of his
Ancestor; and if two Thirds of the Recusant's
Lands were actually seiz'd before his Death, upon
an Indictment and Judgment thereupon, and conti-
nue so seiz'd at that time; neither his Fee-simple or
Intail'd Lands shall be discharged upon the Heir's
Conformity, without Payment of the Arrears: but

if

Disabled to inherit, *The Person*
purchase, take, or enjoy *sent,*
any Lands, Annuities,

To be void to all In-
terests and Purposes.

mediately or immediately,

The Officers of the
Ports shall forfeit their
Offices and all their
Goods; the Owner of
the Ship, his Ship and
Tackle; and the Master
and Mariners, all their
Goods, and shall suffer a
Year's Imprisonment.

As well the School-School-ma-
ster as the Person re-
taining him shall **Forfeit**
40 s. a Day.

*Estates for
the Use of
a Child so
sent are
void.*

*Infant go-
ing beyond
Sea.*

*Notes on
1 Jac. 1.
Cap. 4.*

if he had been convicted upon Proclamation and Default, tho' his intail'd Lands were seiz'd in his Lifetime for Non-payment of the 20 *l.* per Month, his Heir in Tail shall have the Land out of the King's hands, without paying the Arrears; such Conviction being in the Nature of a Verdict only, and not of a Judgment. 1 *Rol.* 94. *Foster's Case.*

When the Forfeitures are satisfied out of the Profits of the Lands, the Recusant shall have his Land again, unless in such Cases where the King, pursuant to the 3 *Jac. cap. 4.* makes his Election, and seizes two Parts in lieu of the 20 *l.* per Month.

3 Jac. I. Cap. 4.

An Act for the discovering and repressing Popish Recusants.

Offences.

Not receiving the Sacrament.

A Popish Recusant Convict that conforms, and does not within one Year after, and so once in every Year, receive the Sacrament,

Default after receiving.

If after he has received the Sacrament, he makes Default a whole Year,

Absence from Church to be presented by the Church-Wardens yearly.

If the Church-Wardens and Constables of every Town, Parish, or Chapel, or one of them; or if there be none such, the High Constables of the Hundred, where, &c. shall not once every year present the monthly Absence from Church of every Popish Recusant in their respective Parishes &c. and the Names of their Children abiding with their Parents, above nine years of Age, and the

Penalties.

Forfeits for the first Year 20 *l.* for the second 40 *l.* and for every Default after 60 *l.*

He Forfeits 60 *l.*

The said Church-Wardens, Constables, or High Constables respectively for every Default shall forfeit 20 *s.*

The Clerk of the Peace &c. to record such Presentment gratis, on pain of 40 *s.*

their Parents, above nine years of Age, and the

Name

Names of their Servants at the General Quarter Sessions,

If upon such Presentment (being the first) the Recusant be convicted,

The Officer that presents him shall have 40 s. ^{Officer presenting Recusants.} to be levy'd by Warrant on the Recusant's Goods.

Justices of Assize and of the Peace, in their Sessions, may hear and determine of all Recusants and Offences, s well for not receiving the Sacrament by this Act, as for not coming to Church by former Laws.

And may make Proclamation, that the Recusant render himself to the Sheriff before the next Assizes or Sessions respectively,

And if such Recusant shall not render himself accordingly, and if at the said next Assizes, Goal-Delivery, or Sessions, the Offender so proclaimed shall not make

Appearance of Record; then upon every such Default recorded, the same shall be as sufficient a Conviction in Law, as if he had been convicted on a Trial, and Verdict thereupon.

Every Offender not repairing to Church, according to the aforesaid Statutes,

Shall upon such of the Terms of Easter or Michaelmas, as shall happen next after his Conviction, ^{Absence from Church.} pay the Sum then

due for the Forfeiture of 20 l. per Month, and yearly after that in the same Term, according to the Rate of 20 l. per Month, except where the King shall take two Thirds of their Lands, or they conform.

Every Conviction shall, before the End of the following Term, be certified into the Exchequer, that the Court may award Process for Seizure of the Offender's Goods, and two Parts of his Lands and Leases, in case the 20 l. per Month be not paid as aforesaid. ^{Conviction to be certified into the Exchequer.}

The

*The King
to make his
Choice.*

*Oath of O-
bedience to
be taken.*

*Penalty of
Refusal.*

*Second Re-
fusal.*

*Conform-
ing.*

*Serving a
foreign
Prince.*

*If an Offi-
cer.*

The King may refuse 20 *l.* per Month, and take two Thirds of the Lands and Leases, saving to the Recusant his Mansion-house.

Two Justices of the Peace (*Quorum unus*) or the Bishop of the Dio-cese, may tender the Oath

hereby enjoined to any Person upwards of 18, and not Noble, who stands indicted or convicted of Recusancy, and hath not received the Sacrament twice in the Year before, or that passing thro' the Country, and examined upon Oath, confesses or denies not his being a Recusant, or his Neglect of the Sacrament as aforesaid.

The Bishop or Justices shall certify the Name and Dwelling of the Person taking the said Oath at the next Sessions, to be enrolled by the Clerk of the Peace, or Town-Clerk.

No Indictment against a Recusant shall be revers'd for want of Form, other than by direct Traverse to the Point of not coming to Church, or not Receiving, &c.

The Party conforming,

Whoever shall go out of the Realm to serve any Foreign Prince or State without taking the said Oath,

If he have been a Military Man,

The Persons refusing to answer upon Oath, or to take the said Oath, shall be committed to Prison without Bail till the next Assizes or Sessions, where, if they again refuse, they shall incur a *Premunire*, except married Women, who shall be imprisoned till they take it.

Admitted to discharge or reverse the Indictment,

Shall be adjudged a Felon.

He shall enter into Bond to the King, with the Condition herein specified.

Every

3 J A C. I. Cap. 4.

33

Every Customer or Comptroller of the Ports, or their Deputies, may take such Bond and tender the Oath, for which they shall take but 6 d.

Officers of the Ports to certify Bonds and Oaths.

They shall certify the Bonds into the Exchequer once every Year,

In Pain of 5 l.

And every Oath in like manner,

In Pain of 20 s.

Persons absolving or withdrawing any Subject from the Obedience of his Majesty, or reconciling them to the Pope or See of Rome, or moving them to promise Obedience thereto, or to any other Prince or State; and Persons being so absolv'd, reconcil'd, &c.

Shall be adjudg'd guilty of High Treason, but not extend to such, (as to the Point of being reconciled only) as shall return into the Realm, and, within six Days after their Arrival, submit themselves before a Bishop or two Justices, as the Act directs, and take the Oaths.

Withdraw- ing Persons from their Obedience.

The Bishop or Justices shall certify this Submission or Conformity to the

In Pain of 40 l.

Submission to be certified.

Persons not repairing every Sunday to some Church or Chapel,

next General Sessions.

Confession, or one Witness, Prosecution in a Month,

Forfeit 12 d. for every Neglect, to be levy'd by Warrant from one Justice, by Distress and Sale of the Offender's Goods for the Use of the Poor; in default of a

Absence from Church.

Distress, to be committed till Payment.

Whoever shall keep or retain in their Houses any Person (Servants or others) absenting themselves from Church by the Space of a Month together,

Forfeits 10 l. for every Month they so keep them.

Harbour- ing such as absent themselves above a Month.

The Sheriff, upon a lawful Writ, may justify breaking the House for the taking a Recusant Excommunicate.

D

Justices

Justices of Peace in their Sessions, as well as Justices of Assize and King's-Bench, may enquire of these Offences, except Treason.

The Offences made Felony by this Act, cause no Loss of Dower, Corruption of Blood, or Disheirson of the Heir.

*Married
Women.*

None shall be punished for his Wife's Offences, nor any married Woman chargeable with the Penalties and Forfeitures in this Act, *for not receiving the Sacrament.* Six of the Privy-Council (whereof the Chancellor, Treasurer, or Secretary to be one) may tender the said Oaths to any of the Nobility above 18, who incur a Præmunire on their Refusal.

Nobility.

The Oath of Allegiance or Obedience enjoined to be taken by 3 Jac. I. Cap. 4.

I A. B. do truly and sincerely acknowledge, profess, testify and declare in my Conscience, before God and the World, That our Sovereign Lord King *James* is Lawful and Rightful King of this Realm, and of all other his Majesty's Dominions and Countries; and that the Pope, neither of himself, nor by any Authority of the Church or See of *Rome*, or by any other Means with any other, hath any Power or Authority to depose the King, or to dispose of any of his Majesty's Kingdoms or Dominions; or to authorize any Foreign Prince to invade or annoy him or his Countries; or to discharge any of his Subjects of their Allegiance and Obedience to his Majesty; or to give Licence or Leave to any of them to bear Arms, to raise Tumults, or to offer any Violence or Hurt to his Majesty's Royal Person, State, or Government; or to any of his Majesty's Subjects within his Majesty's Dominions.

Also I do swear from my Heart, That notwithstanding any Declaration or Sentence of Excommunication or Deprivation, made or granted by the Pope or his Successors, or by any Authority derived or pretended to be derived from him or his See a

gainst

gainst the said King, his Heirs, or Successors, or any Absolution of the said Subjects from their Obedience; I will bear Faith and true Allegiance to his Majesty, his Heirs, and Successors, and him and them will defend, to the uttermost of my Power, against all Conspiracies and Attempts whatsoever, which shall be made against his or their Persons, their Crown and Dignity, by Reason or Colour of any such Sentence, or Declaration, or otherwise; and will do my best Endeavour to disclose and make known to his Majesty, his Heirs, and Successors, all Treason and Traitorous Conspiracies which I shall know or hear of to be against him, or any of them.

And I do further swear, That I do from my Heart abhor, detest, and abjure as Impious and Heretical, this damnable Doctrine and Position, That Princes, which be excommunicated or deprived by the Pope, may be deposed or murdered by their Subjects, or any other whatsoever.

And I do believe, and in my Conscience am resolved, that neither the Pope, nor any Person whatsoever, hath Power to absolve me of this Oath, or any part thereof, which I acknowledge by good and full Authority to be lawfully administered unto me, and do renounce all Pardons and Dispensations to the contrary.

And all these Things I do plainly and sincerely acknowledge and swear, according to the express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation or Mental Evasion, or secret Reservation whatsoever. And I do make this Recognition and Acknowledgment heartily, willingly and truly, upon the true Faith of a Christian.

The Condition of the Bond to be executed by Officers going beyond Sea. 3 Jac. I. Cap. 4.

THAT if the within bounden *A. B.* shall not at any time then after be reconciled to the Pope

or See of *Rome*, nor shall enter into, nor consent unto any Practice, Plot, or Conspiracy whatsoever against the King's Majesty, his Heirs and Successors; or any of his or their Estate or Estates, Realms or Dominions, but shall within convenient time after knowledge thereof had, reveal and disclose to the King's Majesty, his Heirs and Successors, or some of the Lords of his or their honourable Privy Council, all such Practices, Plots and Conspiracies; then the said Obligation to be void.

Notes on
3 Jac. I.
Cap. 4.

If the Recusant appear of Record at the next Assizes, Goal-Delivery or Quarter-Sessions, it will be sufficient to save his Default, tho he did not render himself to the Sheriff upon the Proclamation. Upon his Appearance, he must take care to have it enter'd by the Clerk of the Assizes, or Clerk of the Peace; for if by mistake they should record a Default, he has no Remedy but an Action of the Case against such Clerk of the Peace, &c. and will stand convicted.

If one be indicted and convicted of Recusancy, the King need not wait till next *Easter* or *Michaelmas* Term, to see whether the Recusant will tender the Forfeiture of 20 *l. per Month*; for it is at the King's election, whether he will accept the Forfeiture, or seize two Parts of the Lands immediately upon the Conviction: so that the King has a greater Advantage than he had by the 29 *Eliz.* for the Tender of the Forfeiture of 20 *l. per Month* will not save the Seizure. *Jones* 24, 25.

Where the King refuses the 20 *l. per Month*, the Recusant's Goods cannot be seized, but only two Parts of his Lands, and the Recusant is no longer liable to pay the Twenty Pounds *per Month*. *Jones* 24. *Standen's Case*.

If any Person (not noble) happen to be at the Assizes or Quarter-Sessions, though not brought in upon Process for Recusancy, and the Oath be tendered him, and he refuses it, he shall incur a Praemunire

munire, though it were never tendered him before.
12 *Coke* 131.

If he refuse one Word of the Oath, 'tis a Refusal of the whole. 1 *Bulst.* 198. Lord *Vaux's* Case.

By the Service of a Foreign Prince, is meant Civil or Domestick Service as well as Military; so that to serve a Foreign Prince in any Capacity without the Qualifications here required, is Felony: 3 *Inst.* 80. And if such Person go over in order to enter into Service, &c. tho he never be received into Service, it is Felony, without the Qualifications required; and tho he does not go over with that design, yet if he be retain'd in such Service, 'tis equally penal.

The Offender against any Branch of this Statute might have Clergy.

The Justice of Peace is Judge whether the Party who incurs the Penalty of 12 *d.* for not repairing to Church have a reasonable Excuse for his Absence, and whether it be sufficiently proved; and this cannot be brought into dispute elsewhere by the Offender.

This repairing to Church ought to be to Evening as well as Morning Prayers, (but I suppose that is meant in such Parishes where the Service is read Morning and Evening.) *Dalton*, cap. 81. *Tit. Recusants*, p. 183.

The 10 *l.* Penalty for keeping Servants that are Recusants, extends to Stewards, and such other Servants as are not kept in the House.

If a Parent that is a Recusant have a sufficient Maintenance of his own, such of his Children as harbour him in their Houses are liable to the Penalty of 10 *l.* a Month.

My Lord *Vaux* having incurred a Præmunire, by refusing the Oaths, the Court of King's Bench deny'd him Counsel or Trial by his Peers, it being held that the Trial of a Nobleman by his Peers, is at Common Law only in four Cases, viz. Treason, Felony, and Misprision of each, but not to be allow'd in a Præmunire, that being in effect no more than a Contempt.

D 3

Where

Where the Statute says the Offender shall forfeit 20 *l.* for the first Year, 40 *l.* for the second, and 60 *l.* for every Year after; he shall forfeit 60 *l.* for the third Year, altho he was never convicted for the first or second Year. And it is observable, that the Popish Recusant who after his Conformity receives the Sacrament, and afterwards neglects so to do for the space of one or more Years, is in worse condition than he who conforms and receives it not at all: For in this last Case he shall forfeit but 20 *l.* for the first, and 40 *l.* for the second Year; but if he once receive the Sacrament, and afterwards neglect it for the space of two Years, he shall forfeit for each of those Years 60 *l.* *Cawley 160.*

As this Act is penn'd, it seems that the Churchwardens and Constables are not bound thereby to present the monthly Absence from Church of any of the Children or Servants of a Popish Recusant, altho such Children or Servants be Recusants, unless they are *Popish* Recusants. And that 'tis sufficient to satisfy the Statute, to present their Names, without taking any notice of their Absence from Church. But if they be Popish Recusants, they fall within the general Words of the Act, and their Monthly Absence ought to be presented, as well as that of their Parents or Masters. *Wingate*, in his Abridgment of this Statute, *tit. Crown, numb. 100.* hath clearly mistaken the Meaning thereof in this particular; for he tells us, that the Monthly Absence of all the Children and Servants of a Popish Recusant ought to be presented. *Cawley 161.*

If a Man freely and of his own accord takes an Apprentice or Covenant-Servant for a certain Time, not knowing him or her to be a Recusant, and such Apprentice or Servant forbears to come to Church; it seems that the Master shall forfeit nothing, altho he keeps them in his House: For he doth no more than what the Law will compel him to, during the time agreed on and limited for such Apprenticeship or Service; and this cannot be said to be done willingly,

lingly, for 'tis not in his choice to discharge them until the time is expired. *Cawley 191.*

But if the Master, before he took such Apprentice or other Servant, knew him or her to be a Recusant, or after their forbearance to come to Church retains them for a longer time than was at first agreed on; this is a keeping or harbouring them willingly, and he shall be liable to this Penalty. *Ib. 192.*

A married Woman may be punish'd by force of any other Act for not receiving the Sacrament during her Marriage, 11 Co. 64. *Dr. Foster's Case.* And therefore if she be a Popish Recusant convict, and receive not the Sacrament within the Year next before her Husband's death, she shall forfeit the Profits of two Thirds of her Jointure and Dower, and be further disabled, as the Statute of 3 Jac. cap. 5. appoints. And unless she receives the Sacrament after Conviction, she cannot be Plaintiff with her Husband in any Action, but is disabled by that Statute. And if she receives it not within three Months after her Conviction, she may be imprison'd by force of the Statute of 7 Jac. 6. unless the Husband pay to the King as is there appointed. *Cawley 195.*

And a married Woman is not exempted from all Penalties by force of this Act, but only from the Penalty for not receiving the Sacrament during her Marriage. And there is no question but she may be imprison'd if she refuses the Oath of Allegiance, and an Indictment of High Treason lies against her upon this Statute, if she be absolv'd or withdrawn from her Obedience to his Majesty, or be reconciled to the Pope or See of *Rome*, or promise Obedience to the said See, &c. *Cawley 195.*

3 Jac. I. Cap. 5.

An Act to prevent and avoid Dangers which may grow by Popish Recusants.

Offences.

Discovery
of such as
harbour
Priests,
&c.

WHoever within 3 Days after the Offence shall discover to a Justice of Peace any one that harbours a Popish Priest, or discover any that has heard or said

Recusant
coming to
Court.

Recusant Convict coming to Court without Command from the King, or Warrant from the Privy Council under their Hands,

Recusant
Convict not
departing
London
in 10 days.

If a Popish Recusant Convict, or Indicted; or any other Person absenting from Church for three Months, that remains in London, or ten Miles of the same, shall not depart from London within ten Days after such Conviction or Indictment; and also deliver his Name to the Lord Mayor, if such Recusant dwell in London; and in case he shall dwell or remain in any other County within ten Miles of London, then he shall deliver in his Name to the next Justice of Peace.

Licenc'd to
travel.

The Proviso in the 35 Eliz. cap. 2. authorizing two Justices of Peace to grant Licences to a Recusant to travel, is hereby repealed, and it is provided that it shall be lawful for a Recusant to travel about his Business as far as a Licence (obtain'd from the King, or from three of the Privy Council under their

Penalties.

Shall have a third Part of the Forfeiture, if it do not exceed 150 l. and then he shall have but 50 l.

Mafs,

Forfeits 100 l. to be divided between the King and the Discoverer.

Such Person shall Forfeit 100 l. to be divided between the King and the Prosecutor. This shall not extend to Tradesmen, or such as have no other Habitation than in London, and ten Miles distance.

Hands,

Hands, or four of the next Justices of the Peace under their Hands and Seals, with the Assent in Writing of the Bishop, Lieutenant, or Deputy-Lieutenant of the County) shall give him leave; which Licence shall not be granted by the said Justices till the Party hath made Oath of the true Reason of his Journey, and that he shall make no causeless Stays.

A Recusant Convict practising the Common or Civil Law, Physick, or the Art of an Apothecary, or being an Officer in any Court, or bearing any Office among Soldiers, or in a Ship, Castle, or Fortrefs,

Forfeits 100 l. to be divided between the King and the Prosecutor.

Excluded from the Practice of Law or Physick, &c.

A Popish Recusant Convict (or any one whose Wife is such) unless he himself, his Servants, and Children of nine Years old, repair to Church once a Month,

Disabled to execute any publick Office in the Common-wealth by himself or his Deputy.

Excluded from publick Offices.

A married Woman, being a Popish Recusant Convict, whose Husband is not, if she do not conform one whole Year before his Death,

Forfeits the Issues and Profits of two Parts of her Jointure, and two Parts of her Dowry; and is disabled to be Executrix or Administratrix to her Husband,

Married Women not conforming

band, or to have any Part of her said Husband's Goods or Chattels, by any Law, Custom, or Usage whatsoever.

A Popish Recusant, after Conviction, until he submit and conform as aforesaid,

Shall be disabled as a Person excommunicate save that he may sue for his Interests in Lands not seized into the King's hands.

Recusant; disabled as one excommunicated.

A Popish Recusant Convict being married otherwise than in open Church, and according to the

Disabled and excluded to have any Part of Freehold in the Lands, &c. of his Wife as

Marriage of a Recusant.

Offences.

the Orders of the Church of *England*, by a Minister lawfully authorized,

100 *l.* to be divided between the King and the Prosecutor.

Of a Woman Recusant.

A Woman Recusant married otherwise than as aforesaid,

frank *Bank* in any Customary Lands, and disabled to enjoy any Part of her Husband's Goods by virtue of any Custom.

Of baptizing their Children.

Every Popish Recusant Convict who shall not cause his Child to be baptized by a lawful Minister of the Church of *England*, in open Church, within one Month after it is born,

Where to be buried.

A Popish Recusant Convict not being buried in the Church or Churchyard,

Child sent beyond Sea.

* A Child (not being Soldier, Merchant, or Mariner) sent beyond Sea without the King's Licence, or six of the Privy-Council (whereof the principal Secretary to be one)

being accomptable for the Profits,

* *The Earl of Shrewsbury v. Hope Scott*
6 Jan (A.S.) 458. The

Penalties.

as Tenant by the Curtesy; and if the Wife have no Lands whereby he can, he shall forfeit

Disabled not only to claim any Dower or Jointure, but also her Widow's Estate and

The Husband forfeits 100 *l.* if he outlive the Month; and if he do not, the Wife shall forfeit 100 *l.* to be divided in three Parts, one to the King, another to the Prosecutor, and the other to the Poor of the Parish.

His Executor, or Administrator, or the Person who caus'd him to be otherwise buried, shall forfeit 20 *l.* to be divided and disposed as aforesaid.

Incapable of enjoying any Lands or Goods by Descent or Grant, until he (being 18 Years of Age) take the Oath of Allegiance; and the next of Kin to enjoy them till he does take the Oath and conform,

The Person sending
such Child,

Forfeits 100 l. to be ^{Person} divided and employed as ^{sending} ^{him.}
aforesaid.

A Popish Recusant Pa-
tron to a Benefice,

Disabled to present, ^{Popish Pa-}
but the Universities with-^{tron.}
in the several Counties

respectively allotted them to present in his stead.

A Clerk having a Be-
nefice with Cure,

Incapable of being pre-
sented by the University.

Popish Recusant Con-
vict,

Disabled to be ^{Exe-} ^{Disabled to}
cutor, Administrator, or ^{be Execu-}
Guardian; and his Right ^{tors.}

devolves upon the next of Kin who can't inherit.

Whoever imports,
prints, buys or sells any
Popish Books written in
English,

Forfeits 40 s. for eve- ^{Popish}
ry Book, to be divided ^{Books.}
and employed as afore-
said.

Every Popish Recu-
sant Convict, or whose
Wife is such,

Two Justices, and all ^{Searching}
Mayors and Head Offi-^{for Books}
cers, may search their ^{and Re-}
Houses and Lodgings for ^{liques.}

Popish Books and Reliques, and may burn or deface
those which shall be thought unmeet for such Re-
cusant.

If it be a Crucifix, or
other Relique of Value,

To be defaced in open ^{Defacing}
Sessions, and restored to ^{Reliques.}
the Owner.

Popish Recusant Con-
vict keeping Arms,

Four Justices at the ^{Recusant's}
Quarter-Sessions may, by ^{Arms.}
their Warrant, authorize

Persons to seize them, except what they think ne-
cessary for the Defence of his House.

Such Recusant's Arms shall be kept at his Cost,
where the Justices appoint, and shewed at every
Muster, with his Horse, which he shall buy and
maintain as other Subjects do.

Such Recusant refusing
to discover and deliver
his Arms,

They shall be forfeited ^{Refusing}
to the King, and the ^{to deliver}
Offender shall suffer three ^{them.}
Months Imprisonment.

It

Notes on
3 Jac. I.
Cap. 5.

It is observable that the King, or three of the Privy-Council, need not express any necessary Occasion or Business the Recusant has to travel in the Licence, or tender him the Oath; but the Justices of Peace cannot grant him a Licence but on those Terms.

The Bishop, Lieutenant, or Deputy-Lieutenant, must be a distinct Person from the four Justices who grant the Licence; for a Justice of Peace, who is Deputy-Lieutenant, cannot in this Case act in both Capacities; and if he sign and seal the Licence as Justice of Peace, the Assent of some other Deputy-Lieutenant, &c. must be had, or the Licence is void. *Maxfield's Case*, 2 Cr. 352.

A Popish Recusant Convict is disabled as an excommunicate Person to be a Witness in any Cause between Party and Party. *Bulstrode* 155.

A Woman who marries otherwise than according to the Rites of the Church of *England*, is not disabled to enjoy such Goods as are left her by her Husband's Will, but only such as she claims by Custom.

It has been held, that a Popish Recusant Convict, who marries an Heiress in other manner than the Act directs, if he have no Child by her born alive, so that he cannot be Tenant by the Curtesy, yet the Possibility that he once had, satisfies the Intent of the Act, and he shall not forfeit the 100 *l*. But 'tis plain, in case she have Lands of never so small a Value, and have Issue born alive, he will save the 100 *l*.

If a Child be sent beyond Sea, contrary to this Act, and the Lands are to be enjoyed by the next of Kin, the Mother shall be preferred before his Brother or Sisters; and where there are three Brothers, and the two eldest die, leaving each a Son, and the Son of the eldest goes beyond Sea, his youngest Uncle shall have the Lands by virtue of this Act, and not the Son of the second Brother; for that the youngest Uncle has in him *Jus Propinquitatis*, as being the Uncle, and so nearer than the Cousin-German, and

and yet the Son of the second Brother is Heir at Law. 1 *Inst.* 10. *Palmer* 304, 305. *Pervian* and *Pierce*.

A Popish Recusant that is not convicted at the time of the Death of the Testator, is not disabled to be Executor, altho' he be convicted at the time of the Probat of the Will.

If the Person, discovering one who harbours a Popish Priest, have no notice of the Offence till the three Days expire, altho' he discovers it presently upon such Notice given him, yet he comes too late, much less shall he have three Days after notice. *Cawley* 201.

In the late Additions to *Dalton*, cap. 81. *Tit. Recusants*, it is said, That the Recusant, if he live within ten Miles distance of *London*, is to deliver up his Name to the Lord Mayor there; and if he live above ten Miles distance, then to the next Justice of Peace. But the Statute is there mistaken in both Points: for if the Recusant dwell within ten Miles of *London*, and not in *London*, he is to deliver up his Name to the next Justice of Peace, and not to the Lord Mayor; and if he dwell above ten Miles from *London*, he is not within this Act. nor bound by force thereof to deliver up his Name at all. *Cawley*, 203.

All Popish Recusants convicted or indicted of Recusancy, or not repairing to Church, but forbearing by the Space of three Months, are by this Act to depart *London*, and ten Miles compass of the same, notwithstanding they are Tradesmen, or have no other Place of dwelling; for as to Tradesmen, here are no other excepted than such, as when this Act was made, used some Trade, Mystery, or manual Occupation: And as to both Tradesmen, and such as had or should have their only Dwelling within *London*, or ten Miles compass, the Statute limits 'em to that Place where they inhabited three Months, next before that Session of Parliament wherein this Act was made; which cannot, by any strain'd Construction,

struction, extend to those in future Times. But the meaning seems to be, That Popish Recusants indicted, or convicted of Recusancy, or not repairing to Church, &c. who were then Tradesmen within *London*, or ten Miles compass, or such as then resided within *London*, or ten Miles compass, and should have no other Place of Abode, might continue there, so that they removed not to any other Dwelling than where they inhabited by the Space of three Months next before that Session of Parliament; or if they did, they were to lose the Benefit of this Proviso, and must have removed above ten Miles from *London*, as well as other Popish Recusants convicted or indicted, or not repairing to Church as aforesaid. *Cawley, 204.*

As for those Words (*such as shall have their only Dwelling within the said City, &c.*) the future Tense, (*shall have*) doth not intend such Recusants as should have their Dwelling there, or within ten Miles compass, after the making of this Act; but only such who, having their Dwelling there before that Session of Parliament, should, at the time of their being indicted or convicted, have their only Dwelling there, and no other Place of Dwelling elsewhere: For if they had, at such time of their being convicted or indicted, two several Houses, one within *London*, or ten Miles, and the other at a further distance, altho' they inhabited in that which was within *London*, or ten Miles, for three Months next before that Session of Parliament, yet if they were not Tradesmen at the time of making this Act, they should have had no Benefit by this Proviso, but ought, within ten Days after such Indictment or Conviction for Recusancy, to have removed out of the compass of ten Miles. *Cawley, 204.*

In *Maxfield's Case*, *B. R.* an Exception was taken to a Licence granted by four Justices of the Peace, permitting a Recusant to travel; that it was said to be granted for certain urgent Causes, but no particular Cause for the Recusant's Travel was expressed in

in the Licence, *Cro. Jac.* 352. and this seems to be a good Exception : For the inserting into the Licence, That the Popish Recusant hath urgent or necessary Occasion or Business, answers only the former part of this Proviso, which gives the four Justices power to license him, if he hath necessary Occasion or Business, to travel out of the compass of five Miles ; but withal it ought to be mentioned in the Licence particularly, what that Occasion or Business is, which is the Cause of the Licence, for so this Act here expressly appoints. And therefore that Form of a Licence which *Dalton, cap. 124. Tit. Licences*, hath set down, wherein no other Cause is mentioned but urgent and necessary Business, seems too short and general, and is not to be relied on. *Cawley, 210.*

Residing within the said County or Liberty. These words seem to refer as well to the Bishop and Lieutenant, as to the Deputy-Lieutenant ; so that if a Bishop's Diocese extends into divers Counties, and he resides in one of them, his Assent can be good only for the Popish Recusants of that County where he resides, and not for those of any other Part of his Diocese. So if a Lieutenant resides out of the County whereof he is Lieutenant, his Assent to such Licence is void ; and these Words (*Residing within the said County or Liberty*) cannot be restrained to the Deputy-Lieutenant only, appears by those next foregoing, *viz. (of the same County)* which clearly relate to the Lieutenant as well as to the Deputy-Lieutenant, and by consequence so must the Word immediately subsequent, *viz. (Residing.)* And as to the Bishop, the Inconvenience is the same as in the Case of the Lieutenant ; for by their Remoteness, they are disabled to judge of the Condition and Behaviour of the Recusant to be licens'd, and of the Circumstances wherein he stands, and whether such Licence may be granted to him without hazard of the publick Safety, which seems to be the Reason of this Restriction to the County or Liberty where the Party, who is to assent, resides, and holds as well in
the

the Case of the Bishop or Lieutenant, as of any Deputy-Lieutenant residing out of the County. *Ib.* 210.

The Popish Recusant convicted is not to be reputed as a Person excommunicate, in any other Respect, or to any other Intent, but as to his Disability only. *Cawley*, 216.

If an Executor or Administrator becomes a Popish Recusant Convict, it seems he is disabled by this Act to sue in either of those Capacities; for the Act saith, he shall be disabled to all Intents as an excommunicate Person. Now a Person actually excommunicated cannot sue as an Executor or Administrator, as is held in 21 *Ed.* 4. 49. 21 *H.* 6. 30. 14 *H.* 6. 15. Co. 1. *Inst.* 134. although there are some Opinions to the contrary. *Vid. Finch* 27.

From and after the end of this present Session of Parliament.) A Man seized of an Advowson grants the next Avoidance, and then becomes a Popish Recusant Convict. The Grant of the next Avoidance is void, and the University shall present; for the foregoing Words (*during his Recusancy*) do not import the Time when his Disability shall begin, but when it shall end, *viz.* when he remains no longer a Recusant; but when once he becomes a Popish Recusant Convict, his Disability shall have relation to all the time going before, *scil.* from the end of that Session of Parliament wherein this Act was made. Co. 10. 55, 56. *Case of the Chancellor, &c. of the University of Oxford*, Jones 20. *Standen & al. v. University of Oxon.* And such Retrospects are usual in Acts of Parliament, for which see the Cases cited in Co. 10.

Note, Although this be a general Statute, and that part of it which disables the Recusant to present, &c. or to grant any Avoidance be general, of which the Judges ought to take notice; yet this part of it which gives the Presentation, &c. to the Universities, is special and private, for that it concerns only particular Persons, and must be pleaded or specially found, or otherwise the Judges cannot take

take notice of it. *Hobart* 227. *Anne Needles v. the Bishop of Winchester*, Co. 10. 57. See the Rules touching publick and private Acts of Parliament, and touching special or private Clauses in general Acts of Parliament. 13 *Edw.* 4. 8. Co. 4. 76, 77. *Holland's Case*.

And this Statute gives only a limited Power to the University, *scil.* so long as the Recusant shall be Patron, or the Patron shall be a Recusant; so that if, before the Church becomes void, the Recusancy be removed from the Patron by his Conformity, or the Patronage be removed from the Recusant, altho' he continues a Recusant, the University have lost their Power to present. *Jones* 19.

And therefore if the Patron grant the Advowson in Fee or in Tail, or for Life or Years, these Cases are out of the Statute. And altho' after the Grant he becomes a Popish Recusant Convict, and then the Church becomes void, yet the University shall not present: And it seems that altho' the Patron make such Grant of the Advowson after his Conviction, and before the Church is void, yet this shall bar the University, for the Patronage was before the Avoidance removed from the Recusant. *Jones* 19. Co. 10. 56. contrary to the Opinion of *Hutton*, who held, That if a Man make a Lease for Years of an Advowson, yet if he afterwards becomes a Popish Recusant Convict, the University shall have the Presentation as a future Interest given to them by this Act, notwithstanding such Lease. *Jones* 26.

And the Reason why by such Grants the University shall be barr'd, is, for that the Disability here inflicted on the Recusant, is only a Disability to present or to grant the next Avoidance, which extends not to any of the Grants before-mentioned, nor severs the Patronage from the Patron, as those other Grants do. And the Intent of the Statute is to prevent a Presentation by the Recusant, or by him to whom he should grant the next Avoidance, who, it was presumed, would present such an one as

E

the

the Recusant should appoint. But now when he grants the Advowson itself away, that Mischief is prevented, and the Statute intended not in that Case to give away the Presentation from the Grantee to the University. *Jones* 19. 20.

And when the King hath seized the Advowson, as Part of his two Parts, the King is Patron, and not the Recusant, nor shall the Title the King hath to the Advowson, by the Act of 3 Jac. 4. be divested by another Act of Parliament, unless it had been there given away from the King in expresse Terms. *Cawley*, 232.

A Dean, Archdeacon, Prebend, &c. may be presented or nominated by the Universities by this Statute, for their Promotion is not a Benefice with Cure of Souls. *Cawley*, 233.

The Justices of Peace are not bound by this Act to deface all Reliques of Price, or to burn or deface all other Reliques or Popish Books, but only such as should be thought unmeet for such Recusant. And where the Husband is a Protestant, and the Wife only a Popish Recusant, 'tis not hereby intended they should seize, burn, or deface any Books of the Husband's, tho' Popish, unless such whereby the Wife might be aided or confirmed in her Superstition; so that, in this Case, Books written in a Language or Stile unintelligible to the Wife, are not within the Meaning of this Act, nor ought by colour thereof to be taken from the Husband, who is no Popish Recusant. *Cawley*, 236.

A Popish Recusant lives in one County, and his Arms are kept in another County, by one who is no Popish Recusant; such Arms cannot be seized, by force of this Act, by the Justices of Peace of either County; not by the Justices of the County where the Arms are kept, for the Seizure or Taking is here limited to be by Warrant at the Sessions, in the County where the Recusant resides, and the Statute must be strictly pursued in that Particular; nor by the Justices of the County where the Recusant is resident,

fidant, for the Arms are in another County where they have nothing to do. *Cawley, 238.*

7 Jac. I. Cap. 2.

Persons naturaliz'd or restor'd to Blood, how to be qualified.

Offences.

PERSONS not having received the Sacrament one Month before their Bill exhibited, and taken the Oaths of Allegiance and Supremacy in the Parliament House before their Bill be twice read,

Penalties.

Incapable of being naturalized or restor'd to Blood. *Naturalization.*

7 Jac. I. Cap. 6.

Who shall take the Oath of Obedience, and by whom it shall be administer'd, and within what time.

ALL Persons Ecclesiastical and Temporal, of what Degree or Quality soever, being above 18 Years of Age, to take the Oath of Obedience in 3 Jac. 14. (If a Baron, &c. to be tendered by a Privy Counsellor, or Bishop of the Diocese; if under that Degree, by two Justices *Quorum unus.*)

Every Baron and Baroness standing indicted, presented, or convicted, of not coming to Church, or not receiving the Sacrament according to the Church of England,

Every other Person under that Degree standing presented, or indicted as aforesaid; or of whom the Minister, Churchwardens. or Constables of any Parish, or any two of

Three of the Privy-Council (whereof the Lord Chancellor, Privy-Seal, or principal Secretary to be one) to tender them the Oath of Obedience.

The Justice of Peace in either of the said Counties to tender the said Oath of Obedience, and upon Refusal to commit the Party to Prison, there to remain with-

of them shall complain to a Justice of Peace, and the Justice shall find Cause of Suspicion,

out Bail, until the next Assizes or Sessions.

*Refusing
the Oath
on a second
Tender.*

Such Person, refusing the said Oath, being again tender'd at the Assizes or Sessions,

Incurs a *Premunire*, other than a married Woman, who shall be imprisoned till she takes it.

Disabilities.

Every Person who shall refuse the said Oath of Obedience, being tendered by two Justices, (*Quorum unus.*)

Disabled to execute any Office (not being an Office of Inheritance) to practise the Common Law, Physick, Surgery, the Art of

*Married
Women
convicted.*

an Apothecary, or any Liberal Science for Gain.

Every married Woman being a Popish Recusant Convict, who shall not conform within three Months after Conviction,

To be committed to Prison without Bail, until she conform, unless her Husband will pay to the King 10 *l.* per Month, or yield him a third Part of his Lands.

Baroness.

If such married Woman be a Baroness, the Bishop of the Diocese, or one of the Privy-Council may commit her; if under that Degree two Justices, (*Quorum unus.*).

*Notes on
7 Jac. 1.
cap. 6.*

The two Justices may tender this Oath of Obedience to any Persons within their Jurisdiction, tho' their Dwelling be in another County, 2 *Bulst.* 156. The King against *Griffith*.

A Baroness, or any other Woman above that Degree, having acquired the Honour by Marriage, if she afterwards marry a Commoner, and is convicted of Recusancy, &c. a Justice of Peace may tender her the said Oath; for the Honour that is obtained by Marriage, may also be lost by Marriage. 2 *Inst.* 50.

It is not every bare Suspicion that will authorize a Justice of Peace to tender this Oath, and commit the

the Party on his Refusal ; but there must be some good Cause of such Suspicion : for the Cause of Suspicion is traversable, and whether it be just and lawful, shall be try'd in the Courts above. 2 *Inst.* 52.

If any of the Nobility refuse the Oath, being tender'd by Persons authorized by this Act, they may be committed to the common Goal. 12 *Coke* 131.

A Person cannot be said to refuse this Oath, until it be read, or offer'd to be read, to him.

The King cannot dispense with any Member of the Commons House of Parliament from taking this Oath ; for that he is here declared to be *Persona Inhabilis* until he take it. *Vaughan*, 355. *Thomas and Sorrel's Case*.

To require any Person or Persons.) This is an Enlargement of the Power given to two Justices of the Peace, by 3 *Jac. cap. 4.* for thereby they could have required the Oath but only in some particular Cases : but by this Statute they may require it of any Person whatsoever of competent Age, and under the Degree of a Baron or Baroness. *Cawley*, 246.

Shall stand and be presented indicted or convicted.) These Words being in the Disjunctive, it is not necessary that the Party be convicted ; but if he stand presented or indicted for not coming to Church, or not receiving the Sacrament, and be under the Degree of a Baron, the Justice of Peace ought to tender him this Oath. *Cawley*, 247.

Being lawfully convicted as a Popish Recusant.) That is, upon Indictment at the King's Suit, or a popular Action or Information on the Statute of 23 *Eliz.* 1. or an Action of Debt at the King's Suit alone, according to the Statute of 35 *Eliz.* 1. In which two last Cases the former Laws are somewhat altered by this Statute ; for by the former Laws, if a Person had been convicted of Recusancy any other way than by Indictment, no more could have been demanded either by the King or Informer than for the Months mention'd in the Information or Count, and the Penalty should not have run on in such

Case ; for that the Statute of 29 *Eliz.* 6. & 3 *Jac.* 4. which appropriate the Penalty to the King after Conviction, intend no other Conviction than by Indictment. But by this Statute, if a popular Action or Information, or an Action of Debt, &c. at the King's Suit alone, be brought against the Husband and Wife for the Recusancy of the Wife, and Judgment be had against them, the Husband shall not only pay for the time contained in the Information or Count, but the Wife shall be imprisoned ever afterwards, unless she conform ; or the Husband pay ten Pounds *per Month*, or yield the third Part of his Lands to the King. *Cawley*, 252.

But if the Wife be after such Conviction imprisoned by force of this Act, neither the King or Informer can so sue the Husband and Wife for the Recusancy of the Wife ; for she is already punished by this Act, and must remain in Prison until the Husband pay the ten Pounds for every Month, or yield the Thirds of his Lands to the King, or the Wife conforms. *Cawley*, 254.

So if the Husband yields the Thirds of his Lands to save his Wife's Imprisonment, he is already punished by this Act, and shall not again be punished or sued by the King or Informer, either upon the 23 *Eliz.* or 35 *Eliz.*

And if, after such Conviction of the Wife, he pay ten Pounds *per Month* to save her Imprisonment, he cannot be sued with his Wife for the twenty Pounds *per Month*, upon either of those Statutes, by the King or Informer, for those Months of her Absence from Church, incurred after her Conviction, for which he hath paid the ten Pounds monthly to the King ; for he shall not *bis puniri pro uno delicto*. *Ib.*

Of all his Lands and Tenements.) By Tenements are to be understood Offices, Rents, Commons, Profits apprender out of Lands, Advowsons, and the like, wherein a Man hath any frank Tenement, and whereof he is seized, *ut de libero Tenemento* ; for all these are included under the word Tenement, as well

well as Lands and other Inheritances, which are holden Co. 1. *Inst.* 6. *Perkins*, 114, 115. 11 H. 6. 22. *Bro. Grant*, 143. *Finch*, 130. *Woman's Lawyer*, lib. 3, 188. *Anderson*, 2, 4. but Tenement extends not to a Chattel or Lease for Years, *Bro. Done* 41. and *Grant* 87. *Bulst.* 1. 101. *Turpine* against *Forreyner*. So that the Husband need not yield to the King the third Part of his Leases for Years for the Recusancy of his Wife. *Cawley*, 255.

In the Constuction of this Statute, it hath been resolv'd, that the Justices of Peace may send their Warrant to bring such Persons before them, as are required to take the Oaths by this Statute, but that they cannot authorize the Constable to break open Doors to take them.

3 Car. I. cap. 2.

A Restraint of Passage, or sending any Person beyond the Seas, to be Popishly bred.

Offences.

Whoever shall pass or go, convey or send, any Child, or other Person beyond Sea, to the Intent to enter into, be resident, or trained up in any Convent, College, School, or Popish Family, and shall be there instructed in the Popish Religion; or shall convey, or cause to be convey'd, or send any Relief to such Person, or to the Relief of such College, &c.

Persons who conform within six Weeks after their Return home,

Penalties.

The Persons so sending, or relieving, &c. and the Persons sent, being thereof convicted, Disabled to prosecute any Suit in Law or Equity, to be Guardian, Executor, or Administrator, or capable of a Legacy or Deed of Gift, or to bear Office, forfeit all their Goods and Chattels, and forfeit their Lands, Rents, Annuities, &c. for Life.

Not to incur the Penalties above.

Persons going or sending Children beyond Sea into Popish Seminaries.
Returning and conforming.

Where
tried,

These Offences to be try'd before the Justices of the King's-Bench, Assize, Goal-Delivery, and Oyer and Terminer of the Counties where the Offenders last dwelled, whence they departed from, or were taken in

13 & 14 Car. II. Cap. 1.

Persons called Quakers, and others refusing to take lawful Oaths, made liable to certain Pains.

Offences.

Quakers
refusing to
swear.

IF any Person, who maintains that the taking an Oath is unlawful, refuse to take an Oath when he is lawfully requir'd, or endeavours to persuade others to refuse, or by printing, or otherwise, maintains that the taking an Oath in any Case is unlawful; or if five or more of the People called *Quakers*, being 16 Years of Age, assemble under pretence of religious Worship,

Frequent-
ing their
Conventi-
cles.

the Realm, or be transported to the Plantations.

Offenders
to be com-
mitted.

Every Justice of Peace, Mayor, &c. may commit the Offender until the Assizes or Sessions, where he may be try'd.

Submit-
ting.

Offender, after Conviction, taking the Oaths, and giving Security not to frequent their Conventicles,

Penalties.

Forfeit a Sum not exceeding 5 *l.* for the first Offence, and a Sum not exceeding 10 *l.* for the second Offence, to be levy'd by Distress and Sale of the Offender's Goods. Where no Distress can be had, and the Penalty is not paid within one Week after Conviction, the Offender to be committed three Months for the first, and six for the second Offence, and to be kept to hard Labour; for the third Offence to abjure

To be discharged of
the Penalties.

14 Car. II. Cap. 4.

There shall be Uniformity of Publick Prayers, and Administration of Sacraments, and other Rites and Ceremonies; and of ordering and consecrating Bishops, Priests, and Deacons in the Church of England.

Offences.

EVery Parson, Vicar, or other Minister, enjoying any Ecclesiastical Benefice or Promotion, who shall not before the Feast of St. Bartholomew, 1662. read the Service in the Common-Prayer Book, and declare his unfeigned Assent and Consent to all Things contained therein, in the Form herein prescribed,

Every Person hereafter to be admitted to any Spiritual Promotion, who shall neglect to read the Service two Months after he shall be in Possession of his Benefice,

Every Incumbent residing on his Benefice, and keeping a Curate, who shall not himself read the Service once a Month, &c.

Proof to be by two Witnesses before two Justices of the Peace,

All dignified Clergymen, Heads of Colleges, Professors and Readers in the Universities, and all others in Holy Orders, Tutors and School-masters, who shall not make the Declaration hereto annexed, That it is not lawful to take up Arms, &c.

Penalties.

To be *ipso facto* deprived of all their Spiritual Promotions. Clergy to declare their Assent to the Book of Common-Prayer.

To be deprived in like manner. 2 Months after Induction.

Service two Months after his Benefice,

To forfeit 5 l. and on default of Payment, by the space of ten Days, the Penalty to be levy'd by Distress and Sale of the Offender's Goods. To read the Service once a Month.

Proof and Conviction.

To be *ipso facto* deprived and disabled to hold any of their Places or Preferments. Heads, &c. of the Universities to declare the Unlawfulness of taking up Arms, &c.

School-

School-masters to subscribe it.

School-masters and private Tutors, teaching before they have obtained a Licence, and subscribed the Declaration aforesaid,

To suffer three Months Imprisonment for the first Offence, and for every other Offence three Months Imprisonment, and forfeit 5 l.

Benefic'd Clergy.

The Incumbent not procuring a Certificate from the Ordinary of his subscribing the said Declaration, and reading it with the said Declaration some Sunday within three Months after his Subscription,

To be deprived, and disabled to hold his Benefice or Promotion.

Persons not in Priests Orders, taking a Living, or giving the Sacrament.

Whoever shall take any Ecclesiastical Preferment, or administer the Sacrament of the Lord's Supper, before he shall be ordain'd Priest,

To forfeit 100 l. for every Offence, one Moiety to the King, the other between the Poor and the Prosecutor, and disabled to enter into Priests Orders for one Year.

Common-Prayer to be us'd in Chur. hes. Heads of Colleges to declare their Assent

No other Form than the Common-Prayer to be used in any publick Place of Worship.

To be suspended by the Visitor from the Profits of their Governments for six Months; and if they do not conform at the end of six Months, their Governments to be void.

And read the Service Quarterly.

And read the Service publickly once a Quarter,

Service in Latin.

The Colleges of *Westminster, Winchester, and Eaton*, at liberty to use the Service in Latin.

Lecturers to declare their Assent

Lecturers and Preachers, who shall not, before the first time of their Preaching, read the 39

Disabled to preach, until they conform according to the Statute.

And read the Service monthly.

Articles, and declare their Assent to the same, and read the Service, and declare their Assent and Consent as aforesaid; and also the first Lecture-Day of every

every Month read the Service, and declare their Assent and Consent to it,

Persons presuming to preach, who are disabled by this Act,

To be committed for ^{Offenders committed by two Justices.} three Months by two Justices, the Mayor, &c. upon Certificate from the Ordinary.

The Service for the Time of Day to be read by ^{Prayers to be before Lecture.} some Priest or Deacon before every Lecture.

The Declaration of Assent and Consent to the Book of Common-Prayer required by this Act.

I *A. B.* do declare my unfeigned Assent and Consent to all and every thing contained and prescribed in and by the Book entituled, *The Book of Common-Prayer, and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the Use of the Church of England; together with the Psalter or Psalms of David, pointed as they are to be sung or said in Churches; and the Form and Manner of making, ordaining, and consecrating of Bishops, Priests and Deacons.* ^{Declaration of Assent.}

The Declaration or Acknowledgment concerning the Unlawfulness of taking up Arms against the King.

I *A. B.* do declare, That it is not lawful upon any Pretence whatsoever, to take up Arms against the King; and I do abhor that traitorous Position, of taking Arms by his Authority against his Person, ^{Declaration concerning taking Arms against the King.} or against those that are commission'd by him; and that I will conform to the Liturgy of the Church of England, as it is now by Law establish'd. [And I do declare, that I do hold there lies no Obligation upon me, or any other Person, from the Oath commonly called, *The Solemn League and Covenant*, to endeavour any Change or Alteration of Government, either in Church or State; and that the same was in itself an unlawful Oath, and imposed upon the Subjects of this Realm against the Laws and Liberties of this Kingdom.]

The

The latter Part, relating to the Solemn League and Covenant, to be omitted after the 25th of March 1683.

17 Car. II. Cap. 2.

Nonconformists restrain'd from Inhabiting in Corporations.

Offences.

Nonconformist Teachers not to come within five Miles of a Corporation.

ALL Parsons, Vicars, Curates, Lecturers, and others in Holy Orders, or pretending to Holy Orders; all Stipendiaries, and others who have been possess'd of any Ecclesiastical Promotion, not having declared their Assent and Consent to the Book of Common-Prayer, and subscribed the Declaration of 14 Car. II. cap. 4. and taken and subscribed the Oath prescribed by this Act; and all such as preach in Conventicles,

Dissenters not to teach School.

Such Offenders, and all others who shall not take the said Oath, and frequent Divine Service, as establish'd by Law,

Committed for six Months.

Upon Oath made before two Justices of the Peace, of any Offence against this Act, unless the

Penalties.

Not to come within five Miles of any City or Corporation, that sends Burgesses to Parliament; or of any Parish or Place, where, since the Act of Oblivion, they have been Parson, &c. or preach'd, &c. before they have taken the Oath hereby prescribed at the Quarter-Sessions (unless in passing upon the Road) **on pain of forfeiting 40 l. one Third** whereof to the King, another to the Poor, and the other to him that will sue for the same in any of the Courts at *Westminster*, &c.

Not to teach School, or take Boarders or Takers that are taught by himself, or any other, **in pain of 40 l. to be recovered and distributed as** aforesaid.

To be committed for six Months by the said two Justices, without Bail or Mainprize.

Offender

Offender shall swear and subscribe the aforesaid Oath and Declaration,

Persons compell'd to appear upon Subpœna, or ^{Persons} other Proceſs, not to be deem'd Offenders againſt ^{Subpœna'd} this Act. <sup>may ap-
pear.</sup>

The Oath preſcribed by this Act.

I A. B. do ſwear, That it is not lawful, upon any ^{Oath that} Pretence whatſoever, to take up Arms againſt ^{it is not} the King; and that I do abhor that traitorous Po- ^{lawful to} ſition, of taking Arms by his Authority againſt his ^{take up} Perſon, or againſt thoſe that are commiſſion'd by ^{Arms.} him in purſuance of ſuch Commiſſions: and that I will not at any time endeavour any Alteration of Government either in Church or State.

22 Car. II. Cap. I.

Seditious Conventicles prevented and ſuppreſſed.

Offences.

Penalties.

EVery Perſon of 16 Years of Age, who ſhall be preſent at a Conventicle, under Pretence of Religious Worſhip, at which there ſhall be five or more, beſides thoſe of the Houſe,

One Juſtice of Peace ^{Frequent-} (or chief Officer of the ^{ing Con-} Place) on Oath of two ^{venticles.} Witneſſes, is required to make a Record of the Offence under his Hand and Seal, which ſhall be adjudg'd a perfect Con-
viction of the Offenders.

And ſuch Juſtice ſhall impoſe for the firſt Offence on each Offender, a Fine of **Five Shillings.**

Every Perſon offending a ſecond time,

To be fined **Ten Shil-** ^{Second Of-} **lings,** to be levy'd by ^{fence.} Diſtreſs and Sale of the Offender's Goods.

Where the Offender is poor, and a Diſtreſs cannot ^{Offenders} be had, ^{unable,} the Penalty ſhall be levy'd on any other ^{others pre-} Offenders that were preſent at the ſame Conven- ^{ſent to pay} ticle; ſo as the Sum levy'd on any one Perſon, by ^{the Penal-} reaſon ^{ties.}

reason of the Poverty of others, do not exceed Ten Pounds, on occasion of any one Meeting.

*Distribu-
tion of the
Forfeitures*

Every Constable, &c. having receiv'd a Warrant from the Justice, or chief Magistrate, is required to levy the Penalty, and deliver it to the Justice, &c. whereof one Third shall be for the Use of the King, another for the Poor of the Parish where the Offence was, and the other Third to the Informer, and such other Persons as the Justice, &c. shall appoint, having regard to their Diligence in the Discovery, &c.

*Preaching
in a Con-
venticle.*

Whoever shall be convicted of Preaching at any Conventicle,

To forfeit for the first Offence 20 l. for the second Offence 40 l.

*Preacher
not paying
the Penal-
ty.*

Where the Preacher is a Stranger, and cannot be found, or is unable to pay,

The Penalty to be levy'd on the Goods and Chattels of such Persons as were present at the same Conventicle, to be disposed as aforesaid.

*Permitting
Conventi-
cles in their
Houses, &c*

Every Person suffering a Conventicle to be held in his House, Barn or Yard,

To forfeit 20 l. to be levy'd as aforesaid; and if unable, to be levy'd on the Goods of such as were present.

*Appeals to
the Sessions.*

Provided no Person be liable to pay above Ten Pounds for one Meeting, in regard of the Poverty of others: And Persons aggriev'd, if the Penalty exceed Ten Shillings, may, within one Week after it is levy'd, appeal to the Quarter-Sessions, and take their Trial by a Jury.

Treble Costs

Where the Offender does not prosecute his Appeal with Effect, or is cast at the Sessions,

To pay treble Costs, and the Judgment to be final.

*Who may
break open
the Doors.*

Any Justice of Peace, or chief Magistrate, being inform'd where such Conventicle is held,

May himself, or by Warrant, authorize the Constable, &c. with what Assistance he shall think fit, (if Entrance be deny'd) to break into any Place where a Conventicle

Conventicle is held, and take the Persons assembled into custody.

Upon Certificate under the Hand and Seal of the Justice, &c. to the Lieutenants, Deputy Lieutenants, or Commission Officers of the Militia, or of other the King's Forces; or to the Sheriffs, or other Ministers of Justice, That he is not able to dissolve such Assemblies,

If a Constable, &c. shall know, or be inform'd of a Conventicle in his Parish, &c. and not discover it to some Justice, &c. his Aid, shall omit their Duty,

If the Justice, &c. omit his Duty,

Where the Offender shall be an Inhabitant of, or fly into another County or Corporation, after the Offence committed,

The Penalties of Feme Coverts, cohabiting with their Husbands, to be levy'd on their Husbands Goods. Prosecution to be within three Months after the Offence.

No Peer to be attach'd or imprison'd by virtue of this Act.

They are required to repair to the Place where the Conventicle is held, and use the best Means to dissolve the same, and take the Offenders into custody.

Officers of Militia, &c. to aid the Justices

To forfeit 5 l. to be levy'd and dispos'd as aforesaid.

Constable, &c. not doing their Duty.

Or if he, or any call'd to

To forfeit 100 l. one Moiety to the Informer.

Justice not doing his Duty.

The Justice before whom he is convicted, to certify it to a Justice of such other County, &c. who shall levy the Penalties incurred.

Offenders fleeing.

The Penalties of Feme Coverts, cohabiting with their Husbands, to be levy'd on their Husbands Goods.

Married Women.

Prosecution to be within three Months after

the Offence.

No Peer to be attach'd or imprison'd by virtue

Nobility.

of this Act.

25 Car. II. Cap. 2.

An Act for preventing Dangers which may happen from Popish Recusants.

Offences.

Penalties.

Officers Civil and Military, Persons receiving

Disabled to enjoy the said Offices or Employments,

Officers, &c. not taking the Oaths and Test.

ceiving Salary or Wages by any Grant from the Crown, having a Command or Place of Trust in this Kingdom, or in the Navy, or who are of the Household, who shall not take the Oaths of Allegiance and Supremacy, and receive the Sacrament,

*Forfeitures
and Disa-
bilities.*

Persons continuing to exercise such Offices or Employments, not having taken the said Oaths, and the Sacrament,

ments, or the Profits thereof; and every such Place to be void.

Forfeit 500 l. and disabled to sue in any Court; to be Guardian, Executor, or Administrator; incapable of a Legacy or Deed of Gift; or to bear any Office.

*Children
popishly
educated.*

Persons not bred up from their Infancy in the Popish Religion, and professing themselves Popish Recusants, who shall suffer their Children to be educated in the Popish Religion,

Disabled to bear any Office in Church and State; their Children so educated likewise disabled, till reconciled to the Church of England, and qualified as aforesaid.

*Transub-
stantiation.*

Persons not subscribing the Declaration enjoined by this Act, concerning Transubstantiation,

Liable to all the Penalties and Disabilities aforesaid.

Conforming.

Persons forfeiting, who shall conform,

Capable of a new Grant, if the Office be not full.

This Act shall not extend to Constables, or other inferior Officers.

The Declaration enjoined by this Act.

*Declara-
tion concern-
ing Tran-
substan-
tiation.*

I A. B. do declare, That I do believe that there is not any Transubstantiation in the Sacrament of the Lord's Supper, or in the Elements of Bread and Wine, at or after the Consecration thereof by any Person whatsoever,

30 Car. II. Cap. I.

An Act for the more effectual Preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament.

Offences.

EVERY Peer of England and Ireland being 21 Years of Age, and every Member of the House of Commons, who shall not take the Oaths of Allegiance and Supremacy, and make and subscribe the Declaration in this Act,

Legacy or Deed of Gift; and to forfeit 500 l. for every Offence to him that will sue for the same.

Persons Convict of Recusancy, that shall remain in the King's or Queen's Presence, or come into any House where they reside,

The King's and Queen's sworn Servants, not taking the Oaths, and subscribing the Declaration aforesaid,

Not to extend to nine of the Queen's Servants, Portuguese being Natives of Portugal.

Penalties.

To be adjudg'd a Peers and Popish Recusant Convict, disabled to hold of Parliament not taking the Oaths, and any Office in England, Ireland, &c. to sit in Parliament, or make making the Proxy in the House of Declaration herein Peers; to sue in any Court; to be Guardian, Executor, or Administrator; to take any

Liable to all the Penalties and Disabilities Recusants coming into the King's Presence. in this act.

Liable to the same Penalties and Disabilities The King's sworn Servants.

The Declaration.

I A. B. do solemnly and sincerely, in the Presence of God, profess, testify, and declare, That I do believe that in the Sacrament of the Lord's Supper, there &c.

F

Declaration concerning Transubstantiation,

I W. & M. Sess. 1. Cap. 3.

there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at or after the Consecration thereof by any Person whatsoever; and that the Invocation or Adoration of the Virgin *Mary*, or any other Saint, and the Sacrament of the Mass, as they are now us'd in the Church of *Rome*, are superstitious and idolatrous. And I do solemnly, in the Presence of God, profess, testify, and declare, that I do make this Declaration; and every Part thereof, in the plain and ordinary Sense of the Words, read unto me, as they are commonly understood by *English* Protestants, without any Evasion, Equivocation, or Mental Reservation whatsoever; and without any Dispensation already granted me for this purpose by the Pope, or any Authority or Person whatsoever; or without any Hope of any such Dispensation from any Person or Authority whatsoever, or without thinking that I am or can be acquitted before God or Man, or absolv'd of this Declaration, or any Part thereof, altho' the Pope, or any other Person or Persons, or Power whatsoever, should dispense with or annul the same, or declare that it was null and void from the beginning.

I W. & M. Sess. 1. Cap. 8.

An Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths.

Offences.

*Nonjurors
suspended.*

EVERY Archbishop, Bishop, and other Ecclesiastical Persons, every Head, Fellow, and Professor in the Univer-

sity, who shall not take the Oaths of Allegiance and Supremacy appointed by this Act, instead of those

Penalties.

To be suspended for six Months, to commence at the said first of August, 1699.

those in the 1 *Eliz.* and the 3 *Jac.* 1. (which are hereby abrogated) before the 1st of *August*, 1699.

If they shall not take them within the said six Months,

They are hereby ad- *Depriv'd.*
judged to be deprived.

All Persons admitted into any Employment, Civil or Military, or who shall come into any Capacity, by reason whereof they would have been obliged to take the said abrogated Oaths, or either of them, who shall not take the Oaths herein prescribed,

Other Persons refusing these Oaths, when lawfully tendered,

Sum as the Persons tendering them shall set.

If at the end of three Months such Person shall again refuse the said Oaths,

The Forfeitures to the Poor of the Parish where the Offender last resided.

ties for his good Behaviour, and to appear at the next Assizes.

If such Person shall again refuse the said Oaths, when tendered at the Assizes,

If such Person shall refuse to make and subscribe the Declaration concerning Transubstan-

Liable to the same *Nonjuring Officers, &c.*
Forfeitures, Penalties and Disabilities, as they would have been for neglecting to take the said abrogated Oaths, 1 *Eliz.* 3 *Jac.* The Oath concerning the Unlawfulness of taking up Arms in 14 *Car.* 2. not to be required.

To be committed to *Private Persons first Offence*
Prison for 3 Months, unless the Offender pay down 40 s. or such lesser

To be committed for *Second Offence.*
six Months, unless he pay down such a Sum as the Persons tendering them require, not exceeding 10 l. and not under 5 l. and the Offender be bound with two Sure-

He shall be incapable *Third Offence.*
of any Office, Civil or Military, and bound to his good Behaviour till he takes the Oaths.

He shall be deemed a *Refusing Declaration 30 Car. 2. concerning Transub-*
Popish Recusant Con-
vict to all Intents and
Purposes.

*Recusant
Convict.
Allowance
to the Non-
juring
Clergy.*

tiation and Invocation of Saints in the 30 *Car.* 2.

The King may allow to the Nonjuring Clergy-
men (not exceeding twelve) a Maintenance out of
their Benefices, not exceeding a third Part of the
Value.

Oaths enjoined the 1 W. & M. Sess. 1. cap. 8.

*Oaths 1 W.
& M. Sess.
1. cap. 8.*

I *A. B.* do sincerely promise and swear, That I will
be faithful and bear true Allegiance to their Ma-
jesties King *William* and Queen *Mary*.

I *A. B.* do swear, That I do from my Heart abhor,
detest, and abjure as Impious and Heretical, that
damnable Doctrine and Position, That Princes ex-
communicated or deprived by the Pope, or any Au-
thority of the See of *Rome*, may be deposed or mur-
dered by their Subjects, or any other whomsoever.

And I do declare, that no foreign Prince, Person,
Prelate, State, or Potentate, hath, or ought to
have, any Jurisdiction, Power, Superiority, Prehe-
minence or Authority, Ecclesiastical or Spiritual,
within this Realm.

I W. & M. Sess. 1. Cap. 9.

*An Act for amoving Papists, and reputed
Papists, from the Cities of London and
Westminster, and ten Miles distance from
the same.*

Offences.

*Papists
within ten
Miles of
London.*

EVery Person being a
Papist, or reputed
Papist (and not a Mer-
chant Foreigner) living
within the Cities of *Lon-
don* and *Westminster*, and
10 Miles of the same,
who shall refuse to make
and

Penalties.

To remove beyond
those Limits, or they
shall forfeit and suffer
as *Popish Recusants
Convict*, upon the Jus-
tices making a Certificate
thereof into the King's-
Bench the next Term, or
at

and subscribe the Declaration concerning Transubstantiation in the 30 Car. 2. at the next Quarter-Sessions; and every Justice of Peace within those Limits is required to tender the said Declaration

in their respective Districts.

Not to extend to Tradesmen, and such as have ^{Traders} their only Abode within the Limits aforesaid, so as ^{excepted.} they certify their Names and Qualities to the next Quarter-Sessions.

I W. & M. Sess. I Cap. 15.

An Act for the better securing the Government, by disarming Papists and reputed Papists.

EVery Papist, and Person suspected to be a Papist, or whom any Justice of Peace shall be inform'd is such, refusing the said Declaration concerning Transubstantiation in 30 Car. 2. or refusing to appear upon Notice left at the Place of his Abode, by Warrant under the Hand of two Justices,

Such Papist, or reputed Papist, refusing or making Default as aforesaid,

Liable to all the Penalties, Forfeitures ^{and suspected} and Disabilities, hereafter mentioned; the Justices certifying his Name and Place of Abode to the next Quarter Sessions.

To keep no Arms in ^{Refusing} his House, but such as ^{the Declaration} shall be allowed him by ^{about} the Justices in their Quarter-Sessions.

Any two Justices, by Warrant under their Hands ^{Two Justices may} and Seals, may authorize Persons in the Day-time, ^{order a} with the Assistance of the Constable, &c. to search ^{Search for} for Arms in the House or Custody of such reputed Papist, and seize the same to his Majesty's Use, and at the next Quarter-Sessions deliver them in open Court for the Use aforesaid.

*Persons
concealing
them, pe-
nal.*

Every such reputed Pa-
pist, not discovering and
delivering his Arms to
some Justice of Peace,
within 10 Days after his
Refusal of the Declara-
tion, or hindering Per-
sons authoriz'd to search,

To be committed by
two Justices for three
Months without Bail,
and to forfeit his Arms,
and treble the Value to
the King.

*Persons
discovering
them re-
warded.*

Persons discovering
Arms concealed,

To receive as a Re-
ward, the Value of them,
to be levy'd by Distress
Goods.

Restor'd.

and Sale of the Offender's
Persons having refus'd,
or made Default, and
afterward complying in
open Sessions,

To be discharged of
such Penalties as they
might for the future be
liable to.

*Papists to
keep no
Horse
above 5 l.
Price.*

Such Papists, or repu-
ted Papists, refusing as
aforesaid,

To keep no Horse
above 5 l. Value.

*Penalty
concealing
them.*

Persons concealing
Horses, or aiding in con-
cealing them,

To be committed
for three Months, and
forfeit treble the Value
of the Horses.

*Two Justi-
ces may
order a
Search.*

Two Justices may, by Warrant as aforesaid, au-
thorize Persons, with the Assistance of the Constable,
&c. to search for Horses, and seize them to the
King's Use.

I W. & M. Sess. 1. Cap. 18.

*An Act for exempting their Majesties Pro-
testant Subejcts dissenting from the Church
of England, from the Penalties of certain
Laws.*

*Dissenters
taking the
Oaths ex-
empt from
the Penal-
ties of cer-
tain Laws.*

Dissenters taking the
Oaths of Allegiance
and Supremacy enjoyn'd
by an Act of this present
Parliament, and subscri-
bing

Exempted from the
penalties of all Laws
made against Popish
Recusants and Dissen-
ters; provided they
meet

bing the Declaration of
30 Car. 2. in the Quar-
ter-Sessions,

If a Dissenter be cho-
sen to a Parish or Ward
Office, and scruple serv-
ing,

Dissenting Teacher sub-
scribing the said Declara-
tion, and taking the Oaths
aforesaid, and subscribing
the 39 Articles, except
the 34th, 35th, 36th, and
part of the 20th and 27th,

A Dissenter being re-
quir'd by a Justice of
Peace to subscribe the
said Declaration, and
take the Oaths, (or if
he be a Quaker, to make
the Declaration of Fide-
lity in this Act) who shall

If he refuse upon a se-
cond Tender at the Quar-
ter-Sessions,

Quakers making and
subscribing the said two
Declarations and Profes-
sion of Faith in this Act,

A Person refusing to take the said Oaths when
tendered, shall not be admitted to subscribe the
said two Declarations, unless within 31 Days after
such Tender, he produce two Protestant Witnesses
to testify upon Oath they believe him to be a Pro-
testant Dissenter; or unless he get a Certificate to
that effect, under the Hands of four Churchmen, who

meet with the Doors
open: Not exempted
from Payment of Tithes,
or other Parochial Duties.

To provide a Deputy *Chosen an
Officer, to
procure a
Deputy.*
who will be conformable.

Exempted from the Penalties of all Laws made against them, from serving on Juries, Parish or Ward Offices, or any other Office in any Hundred, Shire, City, Town, &c. *Preachers
subscribing
the 39 Ar-
ticles, ex-
empted
from Pe-
nalties.*

The Justice of Peace to commit such Dissenter refusing, &c. to Prison, and certify his Name to the next Quar-ter-Sessions. *Dissenters
and Qua-
kers refu-
sing the
Oaths.
Quakers
Declara-
tion of Fi-
delity.*

refuse so to do,

He shall be recorded, and taken for a **Popish Recusant Convict.** *Second Re-
fusel ad-
judg'd a
Popish Re-
cusant
Convict.*

Exempted from the Penalties of all Laws against Popish Recusants and Protestant Non-Conformists. *Quakers
Profession
of Faith.*

have taken the Oaths; and also have a Certificate under the Hands and Seals of six of the Congregation to which he belongs, owning him to be one of them.

Not producing them, to be bound over.

Until such Certificate and Proof made,

same; and for want of Sureties, to commit him to Prison until he produce them.

Absenting from Church still penal.

Persons not going to some Assembly, allow'd by this Act, on Sundays,

Papists and Socinians no Benefit by this Act.

Papists, Popish Recusants, and such as deny the Doctrine of the Trinity,

Disturbing Conventicles.

Persons disturbing Dissenting Congregations, or abusing the Teacher, upon Proof by two Witnesses,

20 l. Penalty.

Such Person being convicted at the Sessions,

Meeting-houses to be certified to the Sessions.

Unless the Place of Meeting be certified to the Ordinary, or to the

Justices in their Quarter-Sessions, and recorded there, and a Certificate thereof obtained,

The Justice to bind him with two Sureties in 50 l. to produce the

Still liable to all the Penalties for not frequenting Divine Service.

To receive no Benefit by this Act.

Upon Complaint to a Justice of Peace, to be committed, or bound with two Sureties in 50 l. to appear at the next Sessions.

To forfeit 20 l.

Such Assembly shall still be deem'd unlawful.

Quakers Declaration of Fidelity, I W. & M. Sess. 1. Cap. 18.

Quakers Declaration and Profession of Faith. I W. & M. Sess. 1. Cap. 18.

I *A. B.* do sincerely and solemnly declare before God and the World, That I will be true and faithful to King *William* and Queen *Mary*; and I do solemnly promise and declare, that I do from my Heart abhor, detest, and renounce as impious and heretical, that damnable Doctrine and Position, That Princes

Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever. And I do declare, that no Foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have, any Power, Jurisdiction, Superiority, Preheminence, or Authority Ecclesiastical or Spiritual within this Realm.

Quakers Profession of Faith.

I A. B. profess Faith in God the Father, and in Jesus Christ, his Eternal Son, the true God, and in the Holy Spirit, one God blessed for evermore: And do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

I W. & M. Sess. I. Cap. 26.

An Act to vest in the two Universities the Presentations of Benefices belonging to Papists.

Offences.

PERSONS refusing to make the Declaration of the 30 Car. 2. concerning Transubstantiation and Invocation of Saints, when tendered by two or more Justices, or forbearing to appear before them when summoned, as an Act of this Session for disarming Papists directs, and shall have their Default recorded at the Sessions according to the said Act,

Penalties.

Such Persons shall be disabled to make any Presentation, Collation, Nomination, Donation, or Grant of the Avoidance of a Benefice, or Ecclesiastical Living, as if they were Popish Recusants Convicted; and the Universities respectively shall have the Presentation, &c. to such Benefice in the Counties respectively allotted them, according to the 3 Jac. Cap. 5. for

Who disabled to present to a Benefice.

3 Jac. I.
Cap. 5.

preventing Dangers from Popish Recusants.

Persons

*And their
Trustees.*

Persons seiz'd or possess'd of an Advowson, Right of Presentation, &c. to any such Ecclesiastical Living, Free-School, or Hospital, in Trust for a Papist or Popish Recusant convicted or disabled, according to the said Act of 3 Jac. 1.

Such Trustee disabled to Present, Nominate, &c. to any such Living, &c. or to grant any Avoidance thereof, and the Universities respectively shall have such Presentation as they should have had, in case such Recusant so convicted or disabled, had been seiz'd or possess'd thereof himself.

Trustee presenting forfeits 500 l.

If a Trustee, Mortgagee, or Grantee of an Avoidance present to any such Living, &c. whereof the Trust shall be for a Recusant Convict, or disabled, without giving notice in Writing to the Vice-Chancellor, &c. to whom such Presentation should belong, within three Months after the Avoidance,

He shall forfeit 500 l. to the respective Chancellor and Scholars of either University, to be recover'd by Action, Bill, Complaint, &c.

*Qualification of the
Presenter.*

If the Universities present any one that hath a Cure of Souls before,

Such Presentment to be void.

His Absence how Penal.

If a Clergyman so presented by the University to a Benefice with Cure, be absent above 60 Days in any one Year,

Such Benefice shall be void.

*Recusant restored to his
Right.*

Such Recusant as shall at the Quarter-Sessions where his Name is recorded, make the said Declaration, and take the Oaths, shall be discharged of these Disabilities, and be again enabled to present.

I W. & M. Sess. 2. Cap. 2.

An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.

Offences.

ALL and every Person and Persons reconciled to, or holding Communion with the Church of Rome, or that shall marry a Papist,

Penalties.

Are excluded, and made incapable of inheriting or possessing the Crown, or to exercise any Regal Power or Authority within these Realms.

A Papist, or who marries a Papist, is incapable of the Crown.

In any of the said Cases, the People by this Act are absolved from their Allegiance; and the Crown is to descend to such Persons, being Protestants, as should have enjoy'd the same, in case the Person so holding Communion, or marrying as aforesaid, were naturally dead.

People absolv'd from their Allegiance.

7 & 8 W. III. Cap. 27.

An Act for the better Security of his Majesty's Royal Person and Government.

Offences.

EVery Person who shall refuse the Oaths of Allegiance and Supremacy prescribed by the 1 W. & M. when lawfully tendered, or shall neglect to appear when lawfully summoned for that purpose,

Penalties.

Shall be liable to, and incur all the Penalties, Forfeitures and Disabilities, which by the Laws now in Force may be inflicted on a Popish Recusant Convict.

Refusing the Oaths, or to appear when summoned,

Deem'd Popish Recusant Convict.

The Refusal, or Default of Appearance, to be certified to the next Assizes or Sessions, and from thence to be certified into the Exchequer, that the Court may issue out Process against the Lands and Goods of the Offender, as against a Popish Recusant Convict.

Whoever

*Denying the
King's Title
a Premun-
ure.*

Whoever shall maliciously declare, by writing, printing, teaching, or advised speaking, that King *William* is not lawful and rightful King of these Realms, or that any other Person hath Right to the same, otherwise than by an Act of the 1 *W. & M.* declaring the Rights of the Subject, &c.

Every such Person to incur a Premunire.

7 & 8 W. III. Cap. 34.

An Act that the solemn Affirmation and Declaration of the People called Quakers, shall be accepted instead of an Oath in the usual Form.

Offences.

Penalties.

*Quakers
Affirmation.*

Every Quaker, when lawfully required to take an Oath,

Shall, instead of the usual Form, be permitted to do it in this manner:

I *A. B.* do declare in the Presence of Almighty God, the Witness of the Truth of what I say.

Falsifying.

A Quaker affirming any thing falsely,

To incur the same Penalties as are to be inflicted on Persons

guilty of wilful Perjury.

*Refusing to
pay Tithes.*

A Quaker refusing to pay or compound for great and small Tithes, or to pay Church-Rates,

Two Justices may convene him before them, and having heard the Case, under their Hands and Seals, order the Pay-

ment thereof, not exceeding 10 *l.* and on Refusal, may by Warrant under their Hands and Seals levy it by Distress and Sale of his Goods.

*Appeal to
the Sessions.*

If the Quaker thinks himself aggrieved,

He may appeal to the Quarter-Sessions, whose Determination shall be final.

*Quaker un-
der Disabi-
lities still.*

A Quaker, or reputed Quaker,

Not qualified to give Evidence by this Act, in any Criminal Cause,

or to serve on a Jury, to bear Office, or be in any Place of Profit in the Government.

11 & 12 W. III. Cap. 4.

An Act for the further preventing the Growth of Popery.

Offences.

Whoever after the 25th of March, 1700. shall apprehend a Popish Bishop, Priest, or Jesuit, and convict him of saying Mass, or exercising his Function within this Realm,

The Sheriff making Default in Payment,

Every Popish Bishop, Priest, or Jesuit, who shall say Mass, or exercise his Function; every Papist keeping School, educating or boarding Youth for that purpose,

Persons educated in, or professing the Popish Religion, who shall not within six Months after they attain the Age of 18, take the Oaths of Allegiance and Supremacy, and make the Declaration in the 30 Car. II.

Enjoy his Lands, &c. without being accountable for the Profits, but shall not commit Waste.

Every Papist, after the 10th of April, 1700.

Penalties.

To receive of the Sheriff of the County for every such Conviction 100 l. to be paid within four Months, upon tendering the Judge's Certificate of the Conviction.

To forfeit 200 l.

To suffer perpetual Imprisonment.

Disabled (but not their Heirs or Posterity) to inherit or take any Lands, Tenements, or Hereditaments within this Kingdom. And during such Persons Lives, until they take the said Oaths, the next of Kin being a Protestant to en-

Disabled to purchase Lands in this Kingdom, or any Profits out of the same.

Whoever

Apprehending a Popish Priest.

The Reward.

Sheriff to pay it.

Saying Mass, &c.

Papists disabled to inherit, &c.

Or to purchase.

*Convicting
one of send-
ing a Child
to a Semi-
nary.*

*The Reward.
Papists re-
fusing to
maintain
their Prote-
stant Chil-
dren.*

Whoever shall convict a Person of sending his Child, &c. beyond Sea to be educated in Popery,

Popish Parents of Protestant Children refusing them a fitting Maintenance, in order to compel them to change their Religion,

To receive as a Reward the whole Penalty of 100 *l.* inflicted by the 3 Jac. I.

The Lord Chancellor to order as he shall think proper.

13 W. III. Cap. 6.

THE Abjuration-Oath first imposed.

1 Annæ, Cap. 22.

THE same Oath enforced, which see at large, 1 Geor. Cap. 13.

4 Annæ, Cap. 8.

An Act for the better Security of her Majesty's Person and Government, and of the Succession of the Crown of England in the Protestant Line.

Offences.

Penalties.

*Persons
maintaining
that the
Queen has
no Right,
by printing,
&c.*

*Or that the
Pretender
hath any.
1 W & M.
Cap. 2. 36.
Or that the
Queen and
Parliament
cannot limit
the Succession.*

*Whoever by
Words main-
tain it.*

Whoever shall maliciously, advisedly, and directly, by writing or printing, maintain and affirm, that Queen Anne is not lawful and rightful Queen of these Realms; or that the Pretender, or any other Person, hath any Right to the Crown, otherwise than according to the Acts of Settlement; or that the Kings or Queens of England, by Authority of Parliament, cannot make Laws to limit the Succession of the Crown,

Whoever shall maliciously and directly, by preaching, or advised speaking, maintain and affirm the same,

Guilty of High Treason.

Incur a Premunire.

Proviso,

Proviso, That no Person be prosecuted for Words ^{When to be prosecuted.} spoken, unless Information be given upon Oath before a Justice of Peace within three Days after the Words spoken, and Prosecution be within three Months after such Information; and that no Person be convicted for such Words, but by the Oaths of ^{Two Witnesses.} two credible Witnesses.

Provision made on the Demise of the Queen, to ^{Succession.} secure the Succession to the House of *Hannover*, and for excluding Officers from the House of Commons ^{Members of the House of Commons.} when the Succession should take place.

5 Annæ, Cap. 8.

An Act for the Union of the two Kingdoms of England and Scotland.

BY an Act for the Union of the two Kingdoms ^{At the Union, the Acts for establishing the Church of England enforced.} of England and Scotland, it was stipulated, That an Act made in the 13 *Eliz.* entitled, *An Act for the Ministers of the Church to be of sound Religion*; and another Act of the 14 *Car. II.* *For the Uniformity of publick Prayers and Administration of Sacraments, and other Rites and Ceremonies*; and for establishing the Form of making, ordaining, and consecrating Bishops, Priests and Deacons in the Church of England; and all other Acts in force for the Establishment and Preservation of the Church of England, shall remain in full Force for ever. And that every ^{The King to swear to preserve it at his Coronation.} succeeding King or Queen, at his or her Coronation, shall take and subscribe an Oath to maintain and preserve inviolably the said Settlement of the Church of England, and the Doctrine, Worship, Discipline, and Government thereof, as by Law establish'd; and that this be adjudged a fundamental and essential Part of the said Treaty of Union.

6 Annæ,

6 ANNÆ, Cap. 6.

An Act for rendring the Union of the two Kingdoms more entire and compleat.

4 ANNÆ extended to Scotland.

THE Union of the two Kingdoms being effected, it was thought necessary to enforce the Act of 4 ANNÆ, Cap. 8. for maintaining the Queen's Title, and securing the Succession, &c. and extend the Provisions thereof thro the whole united Kingdom.

8 ANNÆ, Cap. 14.

An Act for explaining and enlarging an Act of the Sixth Year of her Majesty's Reign, entitled, An Act for the Security of her Majesty's Person and Government.

Oath of Allegiance to be taken, and Assurance subscribed in Scotland, with the Abjuration.

THE Time for taking the Abjuration-Oath in Scotland was enlarged, and the Oath of Allegiance in this Act enjoined to be taken and subscribed, and the Assurance to be subscribed at the same time with the Abjuration for the future, by all Officers Civil and Military in that Part of the Kingdom.

Courts at Westminster may administer them to the Scots.

The Courts at Westminster empowered to administer the said Oaths and Assurance, as well as the Courts in Scotland, to such Officers.

Oath of Allegiance.

Oath of Allegiance.

I A. B. do sincerely promise and swear, That I will be faithful and bear true Allegiance to her Majesty Queen Anne.

So help me God.

A S S U R A N C E.

Assurance.

I A. B. do in the Sincerity of my Heart assert, acknowledge, and declare, That her Majesty Queen Anne is the only lawful, undoubted Sovereign of

of this Realm, as well *de jure*, that is of Right, Queen, as *de facto*, that is, in the Possession and Exercise of the Government; and therefore I do sincerely and faithfully promise and engage, That I will with Heart and Hand, Life and Goods, maintain and defend her Majesty's Title and Government, against the pretended Prince of *Wales* and his Adherents, and all other Enemies, who, either by open or secret Attempts, shall disturb or disquiet her Majesty in the Possession and Exercise thereof. See the *Abjuration-Oath*, 1 *Georg.*

10 ANNÆ, Cap. 2.

An Act for preserving the Protestant Religion, by better securing the Church of England as by Law establish'd, and for confirming the Toleration granted to Protestant Dissenters by an Act, entitled, An Act for exempting their Majesties Protestant Subjects Dissenting from the Church of England from the Penalties of certain Laws, and for supplying the Defects thereof, and for the further securing the Protestant Succession, by requiring the Practisers of the Law in North-Britain to take the Oaths, and subscribe the Declaration therein mention'd.

Offences.

ALL Officers, Civil and Military, Persons receiving Salary, Fee or Wages, from the Crown, or being of the Household, all Officers in Corporations, Common-Council-Men, &c. within the Kingdom of Eng-

Penalties.

Forfeit 40 l. to be recover'd by him that will sue for it in any Courts at *Westminster*; and disabled to hold their Offices and Employments, or receive any Profit or Advantage by reason of the same.

Officers or Magistrates present at Conventions.

Forfeitures and Disabilities.

G

land,

land, who, by the 13 Car. II. Cap. 1. *Seff.* 2. and the 25 Car. II. Cap. 2. or either of them, are obliged to receive the Sacrament according to the Church of England, who shall willingly be present at a Conventicle, where there shall be 10 Persons, besides the Family,

*Offenders
conforming
may be re-
stored.*

Every Offender after Conviction conforming again one whole Year, and receiving the Sacrament three times within that Year, and who shall not have been at a Conventicle within that time,

Capable of his Office again, provided he make Affidavit of his Conformity as aforesaid, the next Term or Sessions after his being admitted into Office.

*Offices of In-
heritance.*

Offices of Inheritance that are supplied by a lawful Deputy,

Not intended by this Act.

*Time of Pro-
secution.*

Provided no Person suffer for any Offence against this Act, unless Oath be made thereof before a Magistrate within ten Days after the Offence, and the Offenders prosecuted within three Months; nor shall any Person be convicted but by the Oaths of two credible Witnesses.

*Two Wit-
nesses.*

*Toleration
ratified.*

The Toleration granted by the 1 *W. & M.* ratified and confirmed.

*Dissenting
Teacher.*

Dissenting Teacher qualified to preach in one County,

May preach in any Part of the Kingdom, provided the Place be licens'd.

*Lay-Dissen-
ter taking
the Oaths.*

If any Lay-Dissenter, who has not qualify'd himself according to the said Act of Toleration, by taking the Oaths, &c. shall be prosecuted here-

Such Person shall thenceforth be exempted and discharged from all the Penalties incurred by force of any of the said Penal Statutes.

*Exempted
from Penal-
ties.*

after upon any of the Penal Statutes against Dissenters; if during such Prose-

*Practisers of
the Law in
Scotland
not taking
the Abjura-
tion-Oath
disabled.*

cution he take the Oaths, and qualify himself, Advocates, Writers to the Signet, Notaries Publick, and other Members of

Adjudged incapable, and disabled in Law to have, enjoy, or exercise in

of the College of Justice in any manner their Employment or Practice.
 in *Scotland*, who shall not take the Abjuration-Oath of 6 *Annæ*, cap. 7.

10 ANNÆ, Cap. 7.

An Act to prevent the disturbing those of the Episcopal Communion, in that Part of Great Britain, called Scotland, in the Exercise of their Religious Worship, and in the Use of the Liturgy of the Church of England, and for repealing the Act passed in the Parliament of Scotland, intituled, An Act against Irregular Baptisms and Marriages.

ENacted, That it shall be lawful for those of the ^{Episcopal} Episcopal Communion in *Scotland*, to assemble ^{Meetings in Scotland allowed.} for the Exercise of Divine Worship, to be perform'd after their own manner, and to use the Liturgy of the Church of *England* (if they think fit) without Disturbance.

Offences.

Persons not having received their Orders from a Protestant Bishop,

The Pastor, before he takes upon him to officiate,

Ministers in *Scotland* not taking the Oath of Allegiance and Abjuration,

Military in *Scotland* are by 6 *Annæ*, cap. 14.

Penalties.

Disabled to exercise the Function of a Pastor ^{Preachers to be duly ordained.} in the said Episcopal Congregations.

To exhibit his Orders ^{Orders to be registered at the Sessions.} to the Justices in their Quarter-Sessions, to be there recorded.

Disabled to preach either in Churches or Episcopal Meetings, and liable to such other Penalties as Officers Civil and

^{Nonjurors disabled to preach.}

Doors to be open.

Episcopal Meetings to be held with Doors open, and Tithes and Parish-Duties to be paid as heretofore.

Preacher may marry or administer the Sacraments.

Whereas by an Act made in *Scotland* in 1695, Episcopal Ministers were prohibited to baptize or solemnize Matrimony, in pain of perpetual Imprisonment or Banishment,

The said Act repealed, and no Person to incur any Penalty for resorting to Episcopal Meetings; nor their Pastors for preaching, administering the Sacraments, or marrying.

Christnings to be registered.

Parents having their Children christened by Episcopal Ministers,

To enter the Birth and Christning in the Register-Book of the Parish where they live.

Clandestine Marriages prohibited.

Episcopal Minister not publishing the Banns 3 times, according to the Laws in *Scotland*, before he marry any Persons,

Liable to the same Pains and Punishments as are inflicted by the Laws there, in case of clandestine Marriages.

Laws against Profaneness to be in force.

The Laws made against Profaneness and Immorality, and for frequenting Divine Service on Sundays,

Still in force against such as offend against the said Laws, and those who shall not resort to some Church or Meeting.

Papists and Socinians not exempted.

Papists, Popish Recusants, and Socinians,

To receive no Benefit by this Act.

Disturbing Episcopal Meetings.

Whoever shall disturb such Episcopal Meetings, or misuse their Pastor; upon Proof thereof by two Witnesses before two Justices of the Peace,

To be bound with two Sureties in 50 *l.* to appear at the next Quarter Sessions or Court of Justiciary, or be committed until the Sessions, &c.

Forfeiture.

Upon being convicted at the Sessions, &c.

To forfeit 100 *l.* to be divided between the Poor and the Informer.

Magistrate hindering them.

A Magistrate forbidding or hindering such Meetings; upon Proof thereof by two Witnesses before the Court of Justiciary,

To forfeit 100 *l.* to be distributed as aforesaid.

Persons

Persons excommunicated by the Church of Scotland,

All Ministers and Preachers, as well Episcopal, as those of the Church of Scotland, who shall not pray, in exprefs Words, for the Queen, the Princess *Sophia*, and all the Royal Family,

lose the Benefit of this Act, and be incapable of officiating for three Years.

The Forfeiture to be recovered, and distributed as ^{Forfeitures distributed.} other Penalties are directed to be by this Act. Conviction to be by two Witnesses, and the Offender to ^{How to be convicted.} be prosecuted within two Months after the Offence.

Not to incur any Civil ^{Excommunications.} Pain, Forfeiture, or Disability.

To forfeit for the first ^{Praying for the Royal Family enjoined.} Offence 20 l. for the second (if a Minister of the Church of Scotland) to be deprived, and made incapable of other Preferment for three Years; an Episcopal Minister for the second Offence shall

12 Annæ, Cap. 7.

An Act to prevent the Growth of Schism, and for the further Security of the Churches of England and Ireland, as by Law establish'd.

EVERY Person who shall after the first of Aug. 1714. keep a School or Seminary, or teach Youth as Tutor or Schoolmaster, before he hath subscribed this Declaration, viz. *I do declare that I will conform to the Liturgy of the Church of England, as it is now by Law established, and shall have obtain'd a Licence from his Ordinary,*

To be committed to the Common Goal of the County, &c. for three Months without Bail, to commence from the time he shall be received into Goal. Conviction to be in any of the Courts at Westminster, at the Assizes, or before Justices of Oyer and Terminer, upon Information, Presentment, or Indictment.

Certificate of receiving the Sacrament to be produced, and the Oaths to be taken.

Every Person who shall not produce a Certificate to the Ordinary, &c. of

Incapable of a Licence to teach School.

his having received the Sacrament within one Year, under the Hand of the Minister, and one of the Church-Wardens, where, &c. and who shall not before the Ordinary, &c. take and subscribe the Oaths of Allegiance, Supremacy, and Abjuration, and make and subscribe the Declaration against Transubstantiation in the 25 Car. 2.

And the Declaration against Transubstantiation.

School-masters resorting to Conventicles.

Every Person having obtained a Licence, and qualified himself as aforesaid, who shall willingly resort to a Conventicle or Jacobite Meeting,

Liable to the Penalties in this Act, and shall from thenceforth be incapable of keeping any School or Seminary, or instructing any Youth as Tutor or School-master.

Not teaching the Church-Catechism.

If any Person so licensed shall teach any other than the Church-Catechism,

The Licence of such Person to be void, and he shall be liable to the Penalties in this Act.

None to be twice punished for one Offence.

Ecclesiastical Jurisdiction not restrained by this Act, provided only that no Person be punished twice for the same Offence, or prosecuted in several Courts at the same time.

The Universities and Nobility.

This Act, so far as it relates to a Licence, not to extend to any Tutor in the Universities, or such as are employ'd by the Nobility to teach their Children and Grand-Children only.

Reformed Churches.

The Penalties not to be extended to such of the Reformed Churches in England as are allowed by the Queen, who teach only the Children of such Foreigners.

Persons conforming reformed.

A Person having been convicted, and made incapable of teaching, who shall conform, and not be present at a Conventicle by the Space of a Year, and receive the Sacrament

Capable of a Licence to teach School again, qualifying himself as aforesaid, provided he make Oath in the Courts at Westminster, or at the Quarter-Sessions the next Term,

ment three times within Term, or Sessions, after such Year, he shall be admitted to teach, of such Conformity.

This Act not to extend to such Persons as shall instruct Youth in Reading, Writing, Arithmetick, or other Mathematical Learning, so far as it relates to any Mechanical Art only, and it be taught in the English Tongue.

The Teaching of Writing, Reading, and the Mathematicks, not intended to be restrained. Extended to Ireland.

This Act shall be extended to Ireland, in as full and effectual manner, as if Ireland had been expressly named in every Clause.

12 ANNÆ, Cap. 14.

An Act for rendering more effectual an Act made in the 3d Year of the Reign of King James I. intituled, An Act to prevent and avoid Dangers which may grow by Popish Recusants: And also of one other Act, made in the first Year of the Reign of their late Majesties King William and Queen Mary, intituled, An Act to vest in the two Universities the Presentations of Benefices belonging to Papists, and for vesting in the Lords of Justiciary Power to inflict the same Punishments against Jesuits, Priests, and other trafficking Papists, which the Privy Council of Scotland was impower'd to do, by an Act passed in the Parliament of Scotland, intituled, An Act to prevent the Growth of Popery.

Whereas by an Act of the 3 Jac. 1. cap. 5. and one other Act, 1 W. & M. cap. 26. the Presentation to Benefices, &c. belonging to Popish Recusants, and other Persons thereby disabled to pre-

Presentations to Benefices vested in the Universities by 3 Jac. 1. cap. 25.

sent, is given to the Universities ; but such Patrons being seldom duly convicted, those Provisions are rendered ineffectual, therefore for the speedier and easier vesting such Presentations in the Universities, Enacted that,

Papists and their Trustees disabled.

Every Papist and Child of such Papist (not being a Protestant) under the Age of 21, and every Mortgagee, Trustee, or Persons any ways intrusted directly or indirectly, mediately or immediately, for any such Papist or Child, whether the Trust be declared by Writing or not,

Ordinary to tender the Declaration against Transubstantiation to Patrons suspected of Popery.

When a Presentation shall be brought to the Ordinary by a Person reputed to be, or whom the Ordinary shall suspect to be a Papist, or Trustee of any Person suspected to be a Papist,

Patron refusing, loses the Presentation.

In case such Person shall refuse to repeat and subscribe the Declaration, or neglect to appear,

presentation would have belonged, if such Patron had been a Popish Recusant Convict, who is impower'd to present a Person qualified according to the said Act.

Disabled to present or nominate to any Benefice, Prebend, Living, School, Hospital, or Donative, or to grant any Avoidance of a Benefice, Prebend, or Living ; and that the Universities respectively shall have the Presentation, &c. to such Benefice, &c. in the respective Counties limited to them by the said Act of the 3 Jac. 1. cap. 5.

The Ordinary is required to tender such Person the Declaration against Transubstantiation in the 25 Car. 2. and if such Person be absent, the Ordinary shall summon him to appear before him, or some others

The Presentation to be void, and the Ordinary shall give a Certificate thereof to the Vice-Chancellor of the University, to whom the Pre-

When

When a Presentation is brought to the Ordinary,

the real Patron, or made the Presentation in his own Right, or if he be not directly or indirectly Trustee for some other, &c.

Every Person presented, who shall refuse to be so examined, or shall not answer directly,

For the Discovery of secret Trusts created by Papists to defeat this Act,

Person presenting, or such Person as they believe to be *Cestui que Trust*; or any other Person that may be able to make a Discovery.

Defendant neglecting to answer such Bill,

Persons answering fully, and not knowing any thing of such Trust,

It shall be lawful for the Court, where a *Quare Patron to be Impedit* is depending at the Instance of the respective Universities, by Motion in open Court, to examine the Patron and his Clerk, contesting the Right of such University, upon Oath, in order to discover any secret Trust or Practice relating to the Presentation in Question.

If it appear, upon Examination, that the Patron is but a Trustee, and if the Patron, or his Clerk, refuse to discover the Person for whom the Patron is Trustee,

He is required to examine the Person presented upon Oath, whether the Person presenting be

His Presentation to be void.

The respective Universities, their Presentees, and Clerks, may exhibit their Bill in any Court of Equity against the

The Bill to be taken *pro Confesso*, and allow'd as Evidence against him.

To be entituled to their full Costs.

To be punished as Persons guilty of Contempt to the said Court.

True Patron to subscribe the Declaration against Transubstantiation, or deemed a Popish Recusant Convict.

If the Patron, or his Clerk, do discover the Person for whom, &c.

substantiation to such Person.

Such Person refusing to make the said Declaration,

The Answer and Examinations of such Patrons, &c. being reduced into Writing, to be allowed as Evidence, provided that no such Bill, Answer, or Examination, be made use of to subject any Person to any Penalty, or Forfeiture, other than the Loss of the Presentation then in question.

No Lapse to incur till 3 Months after the Answer comes in.

In case of such Bill exhibited in any Court of Equity, no Lapse to incur till after three Months, from the time that the Answer to such Bill shall be put in, or the same taken *pro Confesso*, or the Prosecution deserted, provided such Bill shall be exhibited before any Lapse incurred.

Court may compel a Trustee to produce his Deeds. Lords of Justiciary in Scotland may punish Priests, &c.

It shall be lawful for the Court, where a Discovery shall be made, to enforce the producing of the Deeds relating to the said Trusts.

This Act not to extend to *Scotland*, save only that the Lords of Justiciary in *Scotland* are impowered to inflict the same Punishments upon Jesuits, Priests, and other trafficking Papists, which the Privy Council there were impowered to do by an Act passed in the eighth Session of the first Parliament of King *William*.

The Expositions which have been made on the Statute of 3 *Jac.* 1. are for the most part applicable to the 1 *W. & M. cap.* 26. and to this Act of 12 *Ann.* the principal whereof are these :

1. That where a Presentment is, *pro hac vice*, vested in the University, by reason of the Patron's being a Popish Recusant, at the time when the Church became void, it shall not be divested again by his conforming himself to the Church.

The Court, on Motion, to make an Order for tendering the said Declaration against Tran-

Esteem'd a Popish Recusant Convict as to such Presentation.

2. That

2. That such a Patron is only disabled to present, and that he continues Patron as to all other Purposes, and therefore that he shall confirm the Leases of the Incumbent, &c.

3. That such a Person, by being disabled to grant an Avoidance, is no way hindered from granting the Advowson it self in Fee, or for Life or Years, *bona fide*, and for good Consideration.

4. That if an Advowson or Avoidance, belonging to such a Person, come into the King's hands, by reason of an Outlawry or Conviction of Recusancy, &c. the King, and not the University shall present. *Vide ante.*

I Georgii, Cap. 5.

An Act for preventing Tumults and Riots, and for the more speedy and effectual punishing the Rioters.

Offences.

IF any Persons, to the Number of Twelve, or more, being unlawfully, riotously, and tumultuously assembled, to the Disturbance of the Publick Peace, after the last of July, 1715. and required by a Justice of Peace, Sheriff, Under-Sheriff, Mayor, or Head Officer of any Town Corporate, by Proclamation in the under-written Form, to disperse themselves, shall continue together one Hour after such Proclamation made,

The Justice of Peace, or other Person authorized by this Act to make the said Proclamation, shall, among the said Rioters, or as near them as he can safely come, command Silence, while the Proclamation is making, and afterwards cause Proclamation to be made in these Words, or like Effect :

Penalties.

Such continuing together to the Number of Twelve, or more, after Proclamation made as aforesaid, shall be adjudged **Felony without Benefit of Clergy.**

Rioters remaining together one Hour after Proclamation to disperse. Felony.

Proclamation to be read.

Our

*Form of the
Proclama-
tion.*

Our Sovereign Lord the King chargeth and com-
mandeth all Persons being assembled, immediately to
disperse themselves, and peaceably depart to their Ha-
bitations, or to their lawful Business, upon the Pains
contained in the Act made in the first Year of King
George, for preventing Tumults and Riotous Assem-
blies.

*Justice of
Peace to re-
sort to the
Place.*

Every Justice of Peace, &c. in his respective Ju-
risdiction, is hereby required, on Notice of any such
riotous Assembly, to resort to the Place, and cause
Proclamation to be made in manner aforesaid.

*And appre-
hend Offen-
ders.*

If such Persons rio-
tously assembled to the
Number of Twelve, or
more, shall, after Pro-
clamation made as afore-
said, continue together by
the space of an Hour,

Every Justice of Peace,
&c. the Constables, and o-
ther Peace-Officers where,
and all others, command-
ed to aid and assist, are
authorized to apprehend
such Rioters, and have
them before some Justice,

in order to their being proceeded against according
to Law.

*Persons kill-
ing Rioters
are indemni-
fied.*

If any of the Rioters
shall happen to be killed
or maimed, by reason of
their resisting the Persons
so authorized to disperse
and apprehend them,

The Justice of Peace,
&c. and all others so
aiding and assisting in the
apprehending and disper-
sing them, shall be in-
demnified.

*Pulling
down Meet-
ing-Houses,
&c. Felony.*

If any Persons, rio-
tously assembled, shall de-
molish or pull down, or
begin to demolish or
pull down any Church or
Chapel, or any Building for Religious Worship, cer-
tified and registred according to 1 W. & M. cap. 18.
or any Dwelling-house, Stable, or Out-house,

Such Offenders shall
be adjudged guilty of
Felony, without Bene-
fit of Clergy.

*Hampering
the making
Proclama-
tion, Felony.*

Persons who shall, with
Force and Arms, know-
ingly oppose, hinder, or
hurt any Person making,
or about to make Procla-
mation as aforesaid,

Such Offenders shall
be adjudged guilty of
Felony, without Bene-
fit of Clergy.

Per-

Persons riotously assembled, to the Number of twelve, to whom Proclamation ought to have been made, if not hindered as aforesaid; who shall not disperse themselves within one Hour after such Hindrance (having knowledge thereof,)

Adjudged Felons without Benefit of Clergy.

Felony in the Rioters, tho' no Proclamation made.

If a Church, Meeting-House, or any other of the Buildings aforesaid, shall be pulled down, or demolished wholly, or in part, by Persons so riotously assembled (such Church, &c. being out of a City, or Town, that is either a County of itself, or is not within any Hundred,)

The Inhabitants of the Hundred, in which such Damage shall be done, shall be liable to yield Damages to the Parties injured and damaged, to be recovered in any of the Courts of *Westminster*, against any two or more of the Inhabitants of such Hundred.

Churches, &c. pulled down in the County, the Hundred to repair the Damage.

Such Action for Damages to any Church or Chapel, to be brought in the Name of the Rector, Vicar, or Curate thereof in Trust, for applying the Damages in rebuilding or repairing such Church or Chapel; and the Damages so recovered shall be levied on the Inhabitants of such Hundred, and paid to the Plaintiffs in such manner as is provided by the 27 *Eliz. cap. 13.* in case of Robberies.

Rector, &c. to be Plaintiff, in Trust for his Church.

If such Church, or other Building, so damaged, be within a City or Town, that is either a County of itself, or is not within any Hundred, such Damages shall be recovered by Action, to be brought as aforesaid, against two or more Inhabitants of such City or Town; and the Damages recovered, shall, at the Request of the Plaintiffs made to the Justices of Peace of such City, &c. at their Quarter-Sessions, be levied upon the Inhabitants, by such Ways and Means as are provided by the said Statute of the 27th *Eliz. cap. 13.* for reimbursing Persons whom Money recovered against any Hundred by the Parties robbed, shall be levied.

Churches, &c. in Towns pulled down.

The Towns to repair the Damage.

27th Eliz.

This

*Act to be
read at the
Sessions.
Prosecution
when.
This Act to
extend to
Scotland.*

This Act to be read at the Quarter-Sessions, and at every Leet or Law-Day. Prosecution to be within twelve Months after the Offence.

Sheriffs, their Deputies, and other inferior Judges and Magistrates; and also Constables, and other Peace-Officers in Scotland, shall have the same Powers for putting this Act in execution there, as Justices of Peace, &c. have in England.

*Equally Pe-
nal there.*

Every Person convicted of any of the Offences aforesaid in Scotland, shall incur and suffer Death, and the Confiscation of Moveables.

*Method of
Prosecution
in Scotland.*

Prosecution for repairing the Damages of any Church, &c. shall be by Summar Action, at the Instance of the Party grieved, against the County, Stewarty, City, or Borough respectively, where such Disorders shall happen; the Magistrates shall be summoned in the ordinary Form, and the several Counties and Stewarties called by edictal Citation at the Market-Cross of the Head Borough of such County or Stewarty respectively; and that, in general, without mentioning their Names and Designations.

*Episcopal
Meetings
there.*

This Act to extend to all Places tolerated for Religious Worship in Scotland, where King George, the Prince, and Princess, and their Issue, are pray'd for in express Words.

1 Geo. Cap. 8.

An Act to impower his Majesty to secure and detain such Persons as his Majesty shall suspect are conspiring against his Person and Government.

Offences.

*Lawful to
keep sus-
pected Per-
sons in Prison
six Months.*

ALL Persons who shall be in Prison on the 23d of July, 1715. or after, by Warrant from six

Penalties.

To be detained in Custody until the 24th of January, 1715. and no Judge, or Justice, to bail

fix of the Privy Council, or one of the principal Secretaries of State, for suspicion of Treason, or treasonable Practices,

or try such Persons until that Time, without Orders from six of the Privy Council.

The Act made in Scotland for preventing wrongous Imprisonment, and undue Delays in Tryals, as to all Cases of Treason and Suspicion of Treason,

To be suspended until the 24th of January, 1715. The same is Scotland.

Provided, That nothing in this Act extend to invalidate the Rights and Privileges of Parliament, or to the Imprisonment of any Member of either House during the Sitting of Parliament, until the Matter be first communicated to the House, and their Consent obtained. Privilege of Parliament saved.

The respective Lieutenants, or two or more Deputy-Lieutenants of any County of Great-Britain; or two or more such Magistrates authorized by his Majesty,

Enabled by Warrant under their Hands and Seals, to employ such Persons as they shall think fit (whereof a Commission-Officer of the Militia, and the Constable or other Officer of

the Parish where, to be two) to search for and seize all Horses of the Value of 5 l. or upwards, belonging to such Persons whom such Lieutenant, &c. shall judge to be dangerous to the Peace of the Kingdom.

Such Horses may be detained for any time, not exceeding six Weeks, unless required by Direction under the Hands of six of the Privy Council to be kept longer. And detained six Weeks.

Such Horses being put into the Possession of any person to keep,

The Owner to pay 5 s. per Week, for keeping each Horse. Owner to pay five Shillings per Week for keeping.

If the Owner shall refuse to pay for the keeping,

Such Horses may be detain'd and sold, rendering the Overplus to the Or his Horse to be sold.

the Owner; or the Keeper may have his Action.
Search in the Country to be in the Day. Search shall be made in the Country between Sun-rise and Sun-set.

In Towns it may be in the Night. Force may be used. In Cities and Market-Towns, and within the Bills of Mortality, search may be made in the Night, if the Warrant so direct; and in all Cases of Resistance, the Persons searching may enter by Force.

Such Horses may be used against the Enemy. Horses seized (during the time they may be detained by virtue of this Act) may, in case of Invasion or Insurrection, be employ'd against the Enemy.

Mares and Colts excepted. A Mare in Fole, or having a Colt at her Feet, and Colts under three Years old, are not intended by this Act to be seized.

Fraudulent Sales in Trust for Papists void. All Sales made of Horses, seiz'd by virtue of this Act, on purpose to prevent their being detain'd, to any Servant or other Person in Trust for a Papist, or reputed Papist, shall be void.

Continued for six Months longer, by 2 George. The Provisions in this Act continued for six Months after the Expiration hereof, by one other Act made in the Second Year of King George.

I Geo. Cap. 13.

An Act for the farther Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors.

TO the Intent, all the Acts heretofore made for securing the Succession of the Crown in the Protestant Line, and extinguishing the Hopes of the Pretender, might be for ever inviolably preserved, it was enacted as follows:

Persons in Office or Place. **T**Hat all Persons, as well Peers as Commoners, who shall bear Office Civil or Military, or receive any Pay, Salary, Fee, or Wages, by reason of any

any Patent or Grant from his Majesty, or shall have Command or Place of Trust, from, or under his Majesty, or his Predecessors, or by Authority deriv'd from him, her, or them, within the Kingdom of *Great-Britain*, in the Navy, or in the Islands of *Jersey* and *Guernsey*, or shall be of the Household, or in the Service or Employment of his Majesty, the Prince or Princess of *Wales*, or their Issue; and all Ecclesiastical Persons, Heads, or Governours, and all other Members of Colleges and Halls in either University, being of the Foundation, or who enjoy any Exhibition (being of the Age of 18.) And all Persons teaching or reading to Pupils in the Universities, or elsewhere; all School-masters, Ushers, Preachers and Teachers of separate Congregations; every Constable, Serjeant at Law, Counsellor, Advocate, Attorney, Solicitor, Writer in *Scotland*, Procutor, Clerk or Notary, who shall be within 30 Miles of *London* or *Westminster*, the first Day of *Michaelmas* Term, 1715. shall appear before the End of the said Term in the Courts of Chancery, King's-Bench, Common-Pleas, or Exchequer, and take the several Oaths enjoin'd them by this Act.

Ecclesiastical Persons.

Members of the University.

Tutors and School-masters.

Dissenting Teachers.

Constables, and Practisers of the Law, to

take the Abjuration Oath, &c.

in Michaelmas Term, 1715.

Persons not taking it then, to do it before the 23d of January next.

Persons admitted to any Office or Employment.

To take it within three Months.

Every such Person and Officer, not having taken the said Oaths as aforesaid, shall take the same before the 23d of *January* next, at the Quarter-Sessions of the County where he resides, on the first of *December*.

Every Person, who, after the 10th of *August*, 1715. shall be admitted to, or enter upon any of the said Offices or Employments, or come into any such Capacity as aforesaid, within that Part of *Great-Britain* called *England*, shall take and subscribe the said Oaths, either in the Courts at *Westminster*, or at the General Quarter-Sessions of the County where resident, within three Months after such Admission, &c.

Every Person (whether Peer or Commoner) who, by any Acts since the Union, was oblig'd to take and subscribe the Oaths of Allegiance and Abjuration, and subscribe the Assurance, on account of any Of-

H

fice,

Officers, &c. in Scotland, to take the Oaths of Allegiance and Abjuration, and subscribe the Assurance, before the first of Dec. 1715. fice, or other Occasion in that Part of *Great Britain* called *Scotland*, shall, before the first of *December*, 1715. take and subscribe the Oaths of Allegiance and Abjuration herein, and subscribe the Assurance in the Words set down in this Act, in such manner, and at such times, and shall be so certified as the said Acts direct.

Persons refusing in Scotland, incapable of a Vote.

Whoever shall refuse to take the Oath of Abjuration, or being a Quaker, to declare the Effect thereof on his solemn Affirmation in *Scotland*,

Incapable of giving a Vote for the Election of a President, making up the Rolls, or for a Member of Parliament for any Place in *Scotland*, or Commissioner to chuse a Burgess.

Members of the Universities in Scotland, to take them before they enter upon their Trials, &c.

All Heads, Masters, and Members of Colleges, Halls, or Classes in the Universities of *St. Andrews*, *Glasgow*, *Aberdeen*, and *Edinburgh*; all Probationers and Licentiates of Divinity, before they enter upon their Trials, or obtain Licences to preach; and all School-masters in *Scotland*, shall take the Oaths of Allegiance and Abjuration herein, and subscribe the Assurance.

Persons beyond Sea.

Provided nothing in this Act extend to any Person beyond Sea, who, within three Months after his Return, shall take the said Oaths, &c.

Persons neglecting to take the Oaths, incapacitated.

Every of the Persons aforesaid, who shall neglect or refuse to take the said Oaths, &c. at the Times and Places aforesaid,

Adjudg'd incapable, and disabled to have, occupy, or enjoy the said Offices and Employments, &c. or any Profit or Advantage appertaining to them; and

such Office or Employment to be void.

Officer neglecting to take the said Oaths.

Every such Person neglecting, or refusing to take the said Oaths at the Times and Places aforesaid, who shall by himself, his Deputy, or Trustee,

Disabled from thenceforth to sue, or use any Action, Bill, Plaint, or Information, in any Court of Equity; or to be Guardian,

Trustee, execute any of the said Offices or Employments after the time expired, wherein he ought to have taken them, being thereof lawfully convicted,

dian, Executor, or Administrator; or capable of a Legacy or Deed of Gift; or to be in any Office within this Realm of Great Britain, or to Vote at any Election for Mem-

Disabling to sue; to be Guardian, Executor, or Administrator, &c.

bers to serve in Parliament; and forfeit 500 l. to him that will sue for it. *And forfeits 500 l.*

The Courts aforesaid are required to administer the said Oaths to such Persons as come to take them, of whom the proper Officer may receive two Shillings; and a Register shall be kept of all Persons taking them, to be inspected without Fee. *Two Shillings to be paid at the taking them.*

Two, or more Justices, or other Persons specially appointed, by Order of the Privy Council, or Commission under the Great Seal, may tender the said Oaths to any Persons they shall suspect to be disqualified; and if they refuse them, may certify the same to the next General Quarter-Sessions, to be recorded there, and shall from thence be certified by the Clerk of the Peace into the Courts of Chancery, &c. *Two Justices may tender the Oaths to suspected Persons.*

Every such suspected Person neglecting or refusing to take the said Oaths so tender'd, *From the time of such Neglect or Refusal, shall be taken, & deem'd a Popish Recusant Con-*

vict, and as such shall forfeit, and be proceeded against.

And to the Intent, no Person may avoid taking the Oaths appointed by this Act, it shall be lawful for two or more Justices of the Peace, or such other Persons specially appointed as aforesaid, by Writing under their Hands and Seals, to summon any Person to appear before them at a certain Day and Time therein to be appointed, to take the said Oaths; which Summons shall be serv'd upon such Person, or left at his Dwelling-house, or usual Place of Abode, with one of the Family there: and if the Person so summoned *Two Justices may summon any Person to take the Oaths. Which must be serv'd on the Person himself, or one of the Family.*

Persons not appearing, certify'd to the Quarter-Sessions.

summoned shall neglect or refuse to appear, that then, on due Proof thereof to be made upon Oath of the serving such Summons, the Justices, or other Persons specially appointed as aforesaid, are required to certify the same to the next General Quarter-Sessions, there to be entered upon the Rolls of the said Sessions.

Persons summoned not taking the Oaths at the Sessions, adjudg'd Popish Recusants Convict.

If the Person so summoned to take the Oaths as aforesaid, shall neglect or refuse to appear and take the Oaths at the said General Quarter-Sessions, his Name being publicly read at the first Meeting of the said Sessions,

Such Person shall be taken, esteem'd, and adjudg'd a Popish Recusant Convict, and as such shall forfeit, and be proceeded against as if he had actually refused to take the said Oaths.

To be certified from the Sessions into the Chancery, &c.

The same shall be from thence certified by the Clerk of the Peace into the Chancery or King's Bench; Court of Session, or Court of Justiciary in Scotland; there to be recorded in a Roll kept for that purpose.

Members of the University refusing.

If any Head or Member of a College in either University of the Foundation, being 18 Years old, shall refuse the said Oaths, or to produce a Certificate thereof, and cause it to be register'd in the College within one Month after taking them; and if the Persons who shall have the Right of Election, do not elect some other in his Place within twelve Months after such Refusal, the King may nominate a Person qualified according to the local Statutes of the College to succeed.

Some other to be elected in their room.

If no other elected, the King to nominate.

If refused Admittance, the Visitor to admit him.

If he refuse, a Mandamus to issue.

If such Head, &c. refuse to admit him by the space of ten Days, the local Visitor shall admit him within one Month after it is demanded; and if the Visitor refuse, the King's Bench may issue out a Writ of *Mandamus*, directed to such Visitor, to admit him, and proceed upon the said Writ, according to the Course of the Court in such Cases.

Whoever

Whoever by Neglect
or Refusal forfeits his
Office,

Capable of a new Grant, <sup>Persons re-
stored.</sup>
on taking the Oaths, if
the Office be not fill'd
up.

Persons on board the
Fleet, or beyond Sea,

Incur no Forfeiture, if <sup>Persons at
Sea.</sup>
they take the Oaths with-
in three Months after
their Return.

Every Peer, before he votes, makes his Proxy, or <sup>Peers and
Members of
the House of
Commons to
take them.</sup>
sits during a Debate in the House of Peers, and eve-
ry Member of the House of Commons before he
votes there, shall take the Oaths aforesaid.

Every Peer, or Com-
moner, who shall after
Michaelmas, 1715. pre-
sume to vote, &c. not
having taken the said
Oaths,

Disabled to prosecute <sup>Forfeitures
on their
Neglect.</sup>
any Suit, or to be
Guardian, Executor or
Administrator, and shall
forfeit 500 l.

Offices of Inheritance saved, so as a lawful Depu- <sup>Offices of
Inheritance
saved.</sup>
ty be made, and qualified as herein is required, and
approved under the King's Privy Signet.

Offices of Inheritance in *Scotland* not to be for- <sup>Offices of
Inheritance
in Scotland.</sup>
feited, but by the Laws in force there.

Tithing-men, Headboroughs, Overseers, Church- <sup>Parish-Offi-
cers, &c. ex-
empted.</sup>
wardens, Surveyors, Keepers of Forests and Parks,
Bailiffs of Mannors, and other inferior Officers, not
obliged to take these Oaths.

Nor those who have taken the Oaths since his <sup>And Persons
who have
taken them
already.</sup>
Majesty's Accession.

Persons heretofore obliged to receive the Sacra- <sup>The Test Act
still in force.</sup>
ment, and subscribe the Test, still obliged to do so.

Persons, who before the first of *December, 1715.* <sup>Persons in-
dennified.</sup>
shall take and subscribe the Oaths, and receive the
Sacrament, &c. shall be indemnify'd from all Penal-
ties incurred by any former Neglect.

All Persons, who, since his Majesty's Accession, <sup>Other Persons
indennified.</sup>
have taken the Oaths, &c. according to any Acts
concerning Persons in Office, are indemnified, altho
it was not done within the time appointed by Law;

but no Person, who, by such Neglect, hath forfeited his Office, shall be restored where it is fill'd up.

Persons taking the Oaths, discharged of the Penalties.

Whoever shall become Popish Recusants Convicted by virtue of this Act, and shall hereafter take the Oaths,

Shall be from thenceforth discharged of such Conviction.

To be instead of former Oaths.

The Oath of Abjuration and the Assurance in this Act, to be in the Place of the Abjuration and Assurance formerly appointed.

Persons taking the Pretender alive or dead, entitled to 100,000 l.

If any Person or Persons, Natives or Foreigners, shall seize or secure alive or dead the Person of the Pretender, whenever he shall land or attempt to land in Great Britain or Ireland, or any other his Majesty's Dominions,

The Lord High Treasurer, and Commissioners of the Treasury, are required forthwith, out of any of the Publick Monies, to issue the Sum of 100,000 l. to be paid as a Reward to such Person or Persons.

His Adherents securing him, to have their Pardon, and 100,000 l.

If any Person who hath adhered to, or assisted, or who shall adhere to or assist the said Pretender, shall seize and secure him as aforesaid,

He or they who shall so seize and secure him, shall have his Majesty's General Pardon, and receive the said Reward of 100,000 l.

Persons killed in the Attempt, their Executors to have their Share.

Whoever shall be killed in securing the Pretender,

His Executors and Administrators shall have the same Share as he would have been entitled to.

Oaths to be taken by Seamen and Soldiers.

The King may give a Commission to any Person to administer the Oaths to Officers, Seamen, and private Soldiers, either by Land or Sea, who are to take the same under the Penalties in this Act.

Private Soldiers to pay no Fees.

Soldiers and Seamen, under the Degree of Commission or Warrant-Officers, to pay nothing at the taking the said Oaths.

Office of Great Chamberlain.

This Act not to extend to the Office of Lord Great Chamberlain of England, so as he make a Deputy duly qualified.

This

This Oath of Abjuration shall be taken in *Ireland*, and the Indemnities herein extended thither.

*Abjuration
extended to
Ireland.*

The Oaths prescribed to be taken by this Act, are the Oaths of Allegiance and Supremacy, and the Abjuration-Oath, for that Part of *Great Britain* called *England*; and in *Scotland*, only the Oaths of Allegiance and Abjuration, with the Assurance, which is to be subscribed by them in the room of the Oath of Supremacy. See the Oath of Allegiance and Supremacy before, in the 1 W. & M. Cap. 8.

Abjuration-Oath.

I *A. B.* do truly and sincerely acknowledge, profess, testify and declare in my Conscience, before God and the World, That our Sovereign Lord King *George* is Lawful and Rightful King of this Realm, and of all other his Majesty's Dominions and Countries thereunto belonging; and I do solemnly and sincerely declare, That I do believe in my Conscience the Person pretended to be Prince of *Wales*, during the Life of the late King *James*, and since his Decease pretending to be, and taking upon himself the Stile and Title of King of *England*, by the Name of *James* the Third; or of *Scotland*, by the Name of *James* the Eighth; or the Stile and Title of King of *Great Britain*; hath not any Right or Title whatsoever to the Crown of this Realm, or any other the Dominions thereunto belonging: And I do renounce, refuse and abjure any Allegiance or Obedience to him; and I do swear that I will bear Faith and true Allegiance to his Majesty King *George*, and him will defend to the utmost of my Power against all traitorous Conspiracies and Attempts whatsoever, which shall be made against his Person, Crown or Dignity, and I will do my best Endeavour to disclose and make known to his Majesty, and his Successors, all Treasons and traitorous Conspiracies which I shall know to be against him, or any of them; and I do faithfully promise to the utmost of my power to sup-

port, maintain and defend the Succession of the Crown against him the said *James*, and all other Persons whatsoever, which Succession, by an Act entitled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is, and stands limited to the Princess *Sophia*, Electress and Dutches Dowager of *Hannover*, and the Heirs of her Body, being Protestants. And all these Things I do plainly and sincerely acknowledge and swear according to these expresse Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever. And I do make this Recognition, Acknowledgment, Abjuration, Renunciation, and Promise, heartily, willingly and truly, upon the Faith of a Christian,

So help, &c.

Assurance for Scotland.

I *A. B.* do, in the Sincerity of my Heart, assent, acknowledge and declare, That his Majesty King *George* is the only lawful, undoubted Sovereign of this Realm, as well *de jure*, that is, of Right King, as *de facto*, that is, in the Possession and Exercise of the Government; and therefore I do sincerely and faithfully promise and engage, That I will with Heart and Hand, Life and Goods, maintain and defend his Majesty's Title and Government against the pretended Prince of *Wales* and his Adherents, and all other Enemies, who, either by open or secret Attempts, shall disturb or disquiet his Majesty in the Possession and Exercise thereof.

I Geo. Cap. 50.

An Act for appointing Commissioners to enquire of the Estates of certain Traytors, and of Popish Recusants; and of Estates given to Superstitious Uses, in order to raise Money out of them severally for the Use of the Publick.

Offences.

ALL Persons, who, since the 24th of June, 1715. have been attainted, or before the 24th of June, 1718. shall be attainted for levying War within this Realm: Or for conspiring the Death of his Majesty, or any other High-Treason committed before the 1st of June, 1716.

which they were seized, possessed or interested in, on the 24th of June, 1715. or afterwards, in their own Right, or to their own Use, or whereof any other Persons were seized, possessed, or interested in to the Use of, or in Trust for them on the said 24th of June, 1715, or afterwards.

Such Castles, Honours, Lands, &c. shall be vested and adjudged to be in the actual and real Possession of his Majesty, without any Office or Inquisition found.

Persons so attainted within the Days and Times aforesaid,

Rights of Redemption of Mortgages, and other Securities,

Penalties.

Forfeit all their Castles, Honours, Mannors, Mesuages, Lands, Tenements, Rents, Reversions, Services, Remainders, Possessions, Royalties, Franchises, Jurisdictions and Privileges, with the Appurtenances; and all Leases for Lives or Years, Pensions, Annuities, Rent-Charges and Hereditaments whatsoever, of

Lands, &c. of Persons attainted since the 24th of June, 1715. or who shall be attainted before the 24th of June, 1718. for High-Treason committed before the 1st of June, 1716. forfeited.

Forfeit all Judgments, Debts, Securities for Money, Goods and Chattels, Mortgages and other Securities,

curities, Debts of Record, and other Debts, Specialties, Obligations, Goods and Chattels whatsoever, which they, or any of them, or any others in Trust for them, stood possessed of, or interested in.

*And vested
in his Ma-
jesty.*

Such Judgments, Mortgages, and other Securities for Money, are hereby vested and put into the actual Possession of his Majesty, without any further Office or Inquisition thereof hereafter to be taken or found.

*For the Use
of the Pub-
lick.*

All which Castles, Honours, Lands, &c. as well as Debts, Goods, Chattels, &c. are declared to be vested in his Majesty for the Use of the Publick, according to such Acts as shall hereafter be pass'd in that behalf (except as to such Debts and Personal Goods and Chattels, touching which other provision is made by this Act.)

*Estates Tail
vested in
him in Fee.*

Where any of the Persons attainted within the Times aforesaid, were seized of an Estate Tail in Possession of any such Castles, Lands, &c.

The same are declared to be vested in his Majesty by his Heirs and Successors in Fee-simple, to the end the same may be absolutely sold according to such Acts as shall be made.

*Grants made
by the King
of such Es-
tates void.*

Every Grant, Demise, Lease, Confirmation, Re-stitution, Assurance and Disposition, made or to be made, by his Majesty of the same Estates under any of his Seals,

Declared to be null and void to all Intents and Purposes; to the end, the Publick may have the Benefit thereof.

*Rights of
Superiors
and Vassals
in Scotland
saved.*

Provided nothing in this Act extend to take away, alter, or diminish any Right or Advantage whatsoever, which any Superiors, Landlords, Tenants, or Creditors, continuing peaceable, and in dutiful Allegiance to his Majesty, are or were intitled to, by virtue of an Act *primo Geo.* intituled, *An Act for encouraging all Superiors, Vassals, &c. in Scotland, who shall continue in their Duty and Loyalty to his Majesty; or to repeal or alter any of the Provisions in that Act contained.*

The

The Names of the Commissioners appointed by this Act for enquiring into the said Estates, and putting this Act in Execution, are *Richard Gramham Esq; George Treby Esq; Arthur Ingram Esq; George Gregory Esq; Sir Richard Steel Knt. Sir Henry Hoghton Bart. Patrick Haldane Esq; Sir Thomas Hales Bart. Robert Munro Esq; Henry Cunningham Esq; Dennis Bond Esq; John Birch Serjeant at Law, and Sir John Eyles Bart.*

No Person to act as a Commissioner, till he hath taken the Oaths appointed by the Act, 1 Geo. for further Security of his Majesty's Person, &c. and also one other Oath hereby appointed for the due Execution of the Powers given them by this Act.

Which Oaths are to be administered by two or more of the Commissioners, and Memorials thereof entered in the Books kept for Registering the Proceedings of the Commissioners.

The Commissioners are required to meet in the Exchequer Chamber on or before the 3d of July, 1716. and afterwards as there shall be Occasion; and the major part there present, to agree upon Rules and Instructions (consonant to this Act) for the Guidance of themselves and their Officers.

They shall there subdivide and distribute themselves, so as six or more may be specially appointed to reside in Scotland, and seven or more to reside in England.

Such respective Subdivisions may appoint one or more of their Number to travel into any part of his Majesty's Dominions, where the forfeited Estates lie, for the better Discovery of them. The Commissioners not restrained hereby from acting wherever they shall happen to be present.

In Case of any Dispute, Difficulty, or Omission, in such Subdivision, Distribution, or Appointment of the said Commissioners, the King, under his Sign Manual, to give such Orders as he shall think fit.

The Commissioners for England and Scotland respectively, or any four of them, to appoint and employ

Commissioners Names.

Commissioners to take the Oaths.

To be administered by any two of their Number.

Commissioners to meet in the Exchequer Chamber 3d of July, 1716. to make Rules.

And subdivide.

King to determine Disputes.

Commissioners to appoint Registers, and others Officers.

ploy, during their Pleasure, Registers, Clerks, Surveyors, Messengers, &c. who are to take no other Fees than shall be appointed by the Commissioners.

Who are to take the Oaths.

Such Registers, &c. to take the said Oaths in the Act of 1 Geo. for Security of his Majesty's Person, &c. and also an Oath for their faithful Demeanor, which any two of the Commissioners may administer.

Commissioners and Officers acting before they have taken the Oaths, forfeit 200 l.

Commissioners, Registers, and other Officers acting before they shall have taken the Oaths by this Act prescribed them respectively,

Forfeit each 200 l. to be recovered in the Courts of Westminster, or Court of Exchequer in Scotland; but not liable to any other Penalties in any other

Act for not qualifying themselves.

May meet without Adjournment.

The Commissioners may meet and act with or without Adjournment.

Send for Persons and Papers.

They may send for such Persons, Books, Papers, and Records, as they shall think fit.

And detain them.

And detain such Books, &c. as long as they have occasion for them.

Administer Oaths.

May administer Oaths for Discovery to any Persons whatsoever.

Sheriffs, &c. to execute their Precepts.

Sheriffs, Stewards, Bailiffs, Constables, and other Officers required to execute such Orders and Precepts as shall be sent them by the Commissioners or any four of them.

To proceed without Formalities, and examine Persons interested upon Oath, &c.

The Commissioners to proceed in a summary-way, without the Formalities used in the Courts of Law or Equity; to inform themselves by the Testimony of Witnesses upon Oath, and Examination of Persons interested upon their Oaths, and by Inspection of Deeds, Writings, and Records, or otherwise, according to their Discretions.

Register to be kept.

The Commissioners to keep a Register of the Names of all Persons convicted or attainted; what Estate or Interest every such Person had in the Premises, and by what Tenures the same were respectively holden, and of all Incumbrances to which the said Estates are liable.

Persons

Persons summon'd by the Commissioners refusing to appear, or to be examined,

Officers neglecting to obey their Precepts,

commit them till it be

Persons indebted or liable to pay Money to such forfeiting Persons, who, after the 24th of August, 1716. and before

the 24th of November, 1716, shall make a Discovery of any conceal'd Debt, and pay two Thirds thereof into the Exchequer before the said 24th of November,

(Debts by Judgment, Statute, Recognizance, or any Registred Bond or Contract, not intended to be discharg'd by this Act.)

Such Persons neglecting to make a Discovery of their Debts until the 24th of November, 1716.

Persons possess'd of any Goods or Chattels belonging to such forfeiting Persons, discovering them to the Commissioners before the said 24th of November,

Whoever shall neglect to discover such Effects as are in his Hands, till the 24th of November, 1716.

Commissioners may compound for such Debts, or Personal Goods and Chattels, and may state and settle Accounts not adjusted.

Commissioners may commit them to the common Goal, till they submit to be examin'd.

The Commissioners may impose a Fine not exceeding 4^o l. and paid.

Released and discharged of the entire Debt or Sum of Money so due and payable.

Forfeit double the Value of the Money they stand indebted, to be recover'd for the Use of the Publick.

To receive from the Commissioners such a Proportion of the Goods as they shall think fit, not exceeding a fourth Part.

Forfeits double the Value to the Use of the Publick.

Commissioners to commit Persons not obeying their Summons.

And fine Officers.

Persons indebted to Traytors discovering conceal'd Debts, allow'd one Third.

Debts on Record, not hereby intended.

Persons neglecting to discover, forfeit double the Debt.

Persons possess'd of the Effects of Traytors, discovering them, to be rewarded.

Neglecting forfeit double the Value.

Commissioners may compound Debts, and state Accounts.

*Stranger
discovering
Debts, &c.
to be re-
warded.*

A Stranger who shall after the said 24th of November, 1716. and before the 24th of June, 1717. discover to the Commissioners such Debts, Goods, or Chattels, conceal'd,

*Discovery of
Lands re-
warded.*

Whoever, after the 24th of August, 1716. and before the 24th of June, 1717. shall discover to the Commissioners, or any four of them, any Lands, Tenements, Rents Hereditaments, or Chattels, forfeited as

*Commis-
sioners to give
Certificates
to Discov-
ers.*

aforsaid, The Commissioners shall deliver Certificates to such Discoverers under their Hands and Seals, specifying the Lands, &c. discovered; and the Share which such Persons ought to have in respect thereof.

*Persons ha-
ving any
Charge on
such Estates.*

Persons having any Estate, Title, or Interest, out of the said forfeited or forfeitable Estates, before the Time they are hereby vested in his Majesty, (other than forfeiting Persons, and such as claim under them, or for their Use, or in Trust for them, or a Remainder expectant upon an Estate Tail, whereof a Person forfeiting was seiz'd,)

*To claim
before the
24th of
June, 1717.*

Claims of Infants to be made by their Fathers or Guardians, or any other Persons in their Behalf; Claims of Feme Coverts by their Husbands; of Idiots, Lunatics, and Mad-men, by those under whose Care they are.

*Claims of
Infants,
Feme Co-
verts and
Mad-men,
&c. :*

*How to be
made.*

Claims to be tendred to the said Commissioners written on Parchment, and sign'd by the Party claiming, and attested by two Witnesses; and every

Claimant

To receive as a Reward such a Proportion as the Commissioners shall think fit, not exceeding a fourth Part.

To receive as a Reward such a Proportion of the said Lands as shall be allotted by the said Commissioners, not exceeding a fourth Part.

To enter their respective Claims before the said Commissioners before the 24th of June, 1717. or their Right, Title, and Interest in the same, shall be null and void; and the Estates so liable, shall from thenceforth be discharged.

Claimant to express what Estate or Interest he hath in the Premises, and by what Title he claims.

Such Claims to be transcribed by Order of the Commissioners, and entered in Books to be kept for that Purpose.

Conveyances made by any Person since the first of August, 1714. who hath been, or shall be convicted or attainted, to his own Use, or the Use of his Wife and Children; or in Trust for any of them, (except such as were made before Marriage) and all voluntary Assurances whatsoever made since the said first of August, 1714. to be deem'd fraudulent, and no Claim to be allowed for the same.

Commissioners shall secure the Effects of such forfeiting Persons for preventing any Loss or Embezzlement thereof, and shall make Inventories, specifying such Effects, by whom forfeited, and when and by whom deliver'd to the Commissioners, or their Agents; and shall cause the same to be appraised and sold, giving three Days Notice at least of such Sale.

They shall be sold by Auction to those that bid most, and an Entry thereof made in the Commissioners Books. The Commissioners shall give Certificates to the Buyers, expressing the Particulars, Prices, and Time of Sale; the Buyer shall pay thereupon the Price into the Exchequer at the Times agreed on; after which the Commissioners shall order the Goods to be deliver'd them.

Buyer making Default in paying for the Goods,

Forfeits one Third of the Sum contracted for, and the Commissioners shall proceed to a new Sale.

Whoever is or shall be possess'd of any forfeited Estate before the 24th of November, 1716. who shall not before that Day send a true Particu-

Forfeit two Years Value of the Rents and Profits thereof upon any wilful Neglect or Default.

lar in Writing to the Commissioners of the Quantity and Quality of the Lands, and under what Rents and Covenants they are held,

Such

*To account
for the Pro-
fits from the
24th of June,
1715.*

Such Persons possess'd as aforesaid, shall pay into the Exchequer the Rents of the said Estates, or account for the Profits during their Occupation of the same, from the 24th of June, 1715. until Sale be made thereof.

*Prosecution
in the
King's
Name.*

*Persons en-
tering on for-
feited E-
states, re-
sponsible.*

*Liable to
forfeit double
the Profits.*

*Persons dis-
covering, not
accountable
for Profits
received.*

*Persons com-
mitting
Waste, to
pay treble
Damages.*

*Commis-
sioners account-
able to the
King and
both Houses.*

*The said
Commis-
sioners to en-
quire of the
Estates of
Persons con-*

Prosecution on this Act for the Benefit of the Publick, to be in the King's Name.

Whoever hath entered upon the said forfeited Estates since the 24th of June, 1715. and held the same without any lawful

Such Persons neglecting to pay the Value of the Profits into the Exchequer at such Times as the Commissioners shall appoint,

Whoever shall discover Lands so by him enjoyed before the 24th of November, 1716. (concealed till the time of such Discovery)

Every Occupier and other Person committing Waste on the said Estates since the 24th of June, 1715.

The Commissioners certifying the Damages into the Exchequer, Execution shall issue as in Case of Debt due to his Majesty.

The Commissioners being thereto required, are to give an Account in Writing, as well to the King as to either House of Parliament, of their Proceedings in respect to such forfeited and forfeitable Estates.

Further Enacted, That the said Commissioners or any four of them, shall, in a summary way, without the Forms of Law, enquire the Names of all Persons who do or shall stand convicted as

Recusants

To be responsible for the Profits during their Occupation.

Title,

Forfeit double the Value of the Profits received, to the Use of the Publick.

Discharged from any Account of the Profits thereof received before the 24th of November, 1716.

To pay treble Damages for the same to be ascertained by the Commissioners.

Recusants in *England, Wales, or Berwick*; and of ^{deceased as} ^{Popish Re-} ^{cusants in} ^{England} ^{and Wales.} all Lands, Tenements, Hereditaments, Leases, and Farms, which such Recusants respectively, or any Persons in Trust for them, shall stand seiz'd or possess'd of. Where situate; the Names of the Tenants and Occupiers; the Rents reserved, and the utmost improv'd Values thereof; the Estate and Interest of such Recusants therein; how much the two ^{The Value} ^{of two} ^{Thirds.} Thirds liable to seizure amount to; and particularly ^{To enquire} ^{of such Per-} ^{sons as for-} ^{feit their} ^{Estates for} ^{not regi-} ^{string.} that they enquire, what Popish Recusants, Papists, Persons educated in Popery, or whose Parents are Papists, shall not take the Oaths, and subscribe the Declaration enjoyn'd by another Act of this Sessions; or who in Default thereof shall not register their Names and Estates in the Manner and Form prescribed by such Act; and what Lands, &c. shall by such Act be forfeited for Default of taking the said Oaths, or for not registering as aforesaid; and of the Parts or Proportions of such Forfeitures accruing to the King for the Use of the Publick.

The Commissioners are impow'ed to send for ^{Commissioners may} ^{send for} ^{Persons and} ^{Papers.} Persons, Papers, and Records; to administer Oaths, and do all other Things for Discovery of the Lands of such Recusants; and of such Lands as shall be forfeited for Default in Registering, as they may by Virtue of this Act, for discovering of Estates forfeited for High Treason.

The Clerks of the Privy Council, the proper Officers of the Exchequer, and all other Officers whom ^{Clerks of the} ^{Council, &c.} ^{to obey} ^{their Orders.} it may concern, to obey all such Orders and Precepts, in relation to such Recusants and their Estates, as shall be sent them by the said Commissioners, or any four of them.

Officers, and other Persons, refusing to appear before the Commissioners on Summons, or to be examined, or to obey their Precepts in relation to the Premises,

May be fined not exceeding 40 l. for every Offence, and committed to the common Goal, till the Fine be paid into the Exchequer.

Commissioners to keep a Register, and give an Account of their Proceedings. Estates given for the Support of any Religious House or Seminary, forfeited.

The Commissioners to keep a Register of all Proceedings relating to such Recusants and their Estates, and to give an Account, when required, to the King, or either House of Parliament

Further Enacted,

That all Mannors, Lands, Tenements, Rents, Tithes, Pensions, Portions, Annuities, and other Hereditaments; and all Mortgages, Securities, Sums of Money, Goods, Chattels and Estates whatsoever in Great Britain, which have been given, granted, devised, or

Be deemed and adjudged to be forfeited unto, and are hereby vested and put into the actual Possession of his Majesty for the Use of the Publick, without any further Office, or Inquisition thereof, hereafter to be taken or found.

settled upon Trust; or to the Intent, that the Profits or Proceed thereof may be enjoyed by any Abbey, or other Religious House or Seminary in Great Britain, or elsewhere; or for any other Popish or Superstitious Use,

Commissioners to proceed in like manner, as for Discovery of the Estates of Traitors.

The Commissioners to proceed in a summary way for the Discovery of such Estates and Interests, and to make Precepts, impose Fines, and commit such as refuse to be examined, in like manner, as they are before impowered to do for Discovery of the Estates of Traytors and Popish Recusants.

Trustees discovering such Estates intitled to a 4th Part.

Every Trustee who shall, after the 24th of August, 1716. and before the 24th of Novemb. 1716. discover to the Commissioners, or any four or more of them, any real or personal Estate settled to any such Popish or Superstitious Use,

Intituled to one fourth part of such personal Estate, consisting of Money, Debts, or personal Goods or Chattels; and to one fourth Part of the real Estate so discovered.

Commissioners to issue their Warrant, for Payment of a 4th Part of the Personal Estates.

Commissioners to issue their Warrants from time to time for Payment of the fourth Part of such personal Estate to such Trustees, and to give the said Trustees

Trustees Certificates in Writing of the Discovery of such real Estates ; to the end Provision may be made in Parliament for securing to them, their Heirs, Executors, and Assigns, the said fourth Part.

Trustees making such Discovery,

Stranger making Discovery of such Estates within the time before limited (remaining concealed till such Discovery made)

A Trustee concealing such Estates,

Not to be accountable for any Rents or Profits received.

Entitled to the like Shares of such real and personal Estates respectively, as a Trustee would have been on making such Discovery.

Liable to pay all the Rents and Profits incurred, whilst he enjoyed the same, or received the Rents or Profits thereof, to the Use of the Publick.

The Commissioners required, as soon as may be, to secure all Effects appointed to such superstitious Uses, to inventory, appraise, and sell the same, as they might do with Goods and Chattels forfeited for High Treason, and to pay the Proceed thereof into the Exchequer ; and also to cause the Rents of all Estates given to superstitious Uses to be paid into the Exchequer.

The Commissioners to cause fair Entries to be made, in Books kept for that purpose, of all their Proceedings in relation to such Estates, and to give a particular Account, when required, as well to his Majesty as to either House of Parliament, of the said Estates, and the Values thereof, to the end a further Course may be taken in Parliament concerning the same, for the Benefit of the Publick.

The Powers given to the Commissioners not to determine by the Death of one or more of them, but the Survivors (being four or more to reside in England, and as many in Scotland) are hereby authorized to execute all the Powers in this Act, as effectually as

the whole Number, or any *Quorum* of them might, if they were all living.

Salary of every Commissioner 1000 l. per Ann.

Every Commissioner to receive for his Pains a Salary, after the Rate of 1000 l. *per ann.* to commence from the 24th of *June*, 1716. payable Quarterly, during his Continuance in the Execution of the Trusts hereby reposed in him.

Salary of inferior Officers to be settled by the Treasury.

There shall be paid to the inferior Officers employ'd by the Commissioners, and for incident Charges in performance of the said respective Trusts, such Sums as the Lord Treasurer, or Commissioners of the Treasury, shall judge necessary; and the said Lord Treasurer, &c. may cause the said Salaries and Money to be paid out of such Money as shall be brought in for the Use of the Publick, by virtue of this Act.

Salaries exempted from Taxes.

The said Salaries of the Commissioners and inferior Officers to be exempted from all Taxes.

Money arising by this Act appropriated.

Money arising by this Act (other than what is to be issued for Salaries, incident Charges, and Rewards of Discoverers) appropriated to the Use of the Publick, and to be applied thereto, by Authority of Parliament, and not otherwise.

Heritable Jurisdictions forfeited to be suppressed.

Further Enacted, That all Heritable Jurisdictions, called Constabularies, Regalities, or Admiralties, &c. in possession of Traytors on the 24th of *June*, 1715. shall, from the 1st of *Novemb.* 1716. be suppressed and extinguished; so that it shall not be lawful after the 1st of *November*, 1716. to sell or grant the said forfeited heritable Jurisdictions, or to erect any such heritable Jurisdictions in their room.

Forfeited Sheriffships, &c. annexed to the Crown.

Provided that forfeited Sheriffships and Stewarties shall subsist with the same Powers which belonged to them at the time of the said Forfeiture; and they are hereby declared to be annexed to the Crown, so as not to be alienated by any Gift or Grant, otherwise than to such Persons as the King shall think fit to grant them during Pleasure only.

Constabularies suppressed subject to Sheriffships, &c. where they lie.

The Towns and Villages subject to the Constabularies or Regalities suppressed, to be subject to the Sheriffships and Stewarties within whose Bounds they

they lie ; and that the Places and Bounds subject to the forfeited Admiralties, be subject to the immediate Jurisdiction of the Court of Admiralty in Scotland.

The Commissioners hereby constituted, not incapable of sitting in Parliament.

In a Prosecution commenced against any Person for what he shall do in pursuance of this Act, he may plead the general Issue, and give this Act and the special Matter in Evidence ; and if the Prosecutor be Nonsuit, or a Verdict pass against him, &c. the Defendant shall have treble Costs.

Proviso, That it may be lawful for the King to make Provision for the Maintenance of the respective Wives of the late Duke of Ormond, Earl of Mar, and Viscount Bolingbroke, and for raising Portions for their respective Daughters out of the Estates real and personal forfeited by the said Duke, Earl, and Viscount respectively, notwithstanding their Cover-
 ture.

1 Geo. Cap. 55.

An Act to oblige Papists to register their Names and Real Estates.

ENacted, That all Persons not having taken the Oaths herein-after mentioned, before the last Day of Trinity Term, 1716. who shall have any Estate or Interest in any Lands, Tenements, or Hereditaments in England, Wales, or Berwick, being Popish Recusants or Papists, or educated in the Popish Religion, or professing the same, or whose Parent or Parents are Papist or Papists, shall, before the 20th of January, 1716. being of the Age of Twenty-one, on the 24th of June, 1716. or who being then under Age, shall, within six Months after their Coming of Age, take the several Oaths prescribed by an Act of this present Session of Parliament, intituled, *An Act for the further Security of his Majesty's Person, &c.* and also repeat and subscribe

Popish Recusants, Papists, Persons educated in Popery, or professing the same, or whose Parents are Papists. To take the Oaths, and make Declaration concerning Transubstantiation before Jan. 26. 1716 (being 21. on June 24. 1716.) Persons under Age within 6 Months after the Coming of Age.

subscribe the Declaration in an Act of the 30 Car. II. intituled, *An Act for the more effectual preserving the King's Person and Government, by disabling Papists to sit in either House of Parliament*; in one of the Courts at Westminster, or at the Quarter-Sessions, where some

In Default thereof.

Part of such Lands lie; Or, in default thereof, shall within six Months after the time hereby appointed for taking the said Oaths, &c. and so from time to time within six Months after they, or any in Trust for them, shall come into the Possession or Perception of the Rents and Profits of any other

To register their Names and Lands within six Months after the Times limited for their taking the Oaths respectively.

Lands, &c. Register their Names, and all such Lands, &c. as they, or any in Trust for them, shall be in possession of, or in receipt of the Rents or Profits of, within the Kingdom of *England, Wales, or Berwick*, and shall express the Place where such Lands lie, who the Possessors, what Estate or Interest the Persons registering have, the yearly Rent reserved, if the same be lett; and if upon Leases, by whom made; what Rent reserved thereupon, what Fines or Sums were paid for such Leases, in case the same were made by themselves, or any Person in Trust for them, or by their Privy; and the Time when such Entry is made, in a Parchment-Roll or Book, to be kept by the Clerk of the Peace of every County where such Lands lie.

In a Book kept by the Clerk of the Peace of the County where the Land lies.

And subscribe the same at the Quarter-Sessions,

Persons, whose Names and Estates ought to be register'd, oblig'd, within the six Months hereby allow'd for making such Registry, to subscribe the same in the said Books or Rolls, in the Presence of two Justices of Peace for the County in open Sessions, either by the Parties themselves, or their Attorneys lawfully authorized by Warrant of Attorney under their Hands and Seals, executed in the Presence of two or more Witnesses; two of which Witnesses at least to make Proof of such Execution upon Oath at the Quarter-Sessions, where, &c.

To be attested by two Justices there present, or every Justice forsoits 20 l.

The Justices of the said Court of Quarter-Sessions impowered to examine such Witnesses upon Oath; and two of the Justices then present shall subscribe their

their Names to every such Entry made before them, as Witnesses that the same was duly made; and, in Default, every Justice of Peace present shall forfeit 20 *l.* to the King.

The respective Clerks of the Peace are required to keep Parchment-Books, or Rolls, at some notorious Place in the County; and by themselves or their Deputies to enter therein the Names of such Persons who come and desire to be registred, or who shall send any Writing under their Hands, desiring to have their Names registred; and shall also register the Estate in Lands, &c. of such Persons, in such Manner and Words as they by any Writing signed by them shall desire. The Persons desiring such Registry, paying the Fees hereby appointed, and so as they deliver in Writing the Words so to be registred ten Days at least before the Quarter-Sessions, where the Entries thereof are to be subscribed; and the Clerk of the Peace shall enter such Persons Names, and Registry of their Estates, before the next Quarter-Sessions, after such Delivery, in the said Books or Rolls, and shall carry the same to the next, and every other Quarter-Sessions, until the time of such subscribing the same shall be expired; to the end that all Persons, whose Names ought to be registered, may have an Opportunity to come and subscribe their Names to the same.

The Clerk of the Peace shall keep Alphabetical Tables of the Surnames of such Persons whose Names and Estates shall be so registred, and of the Parishes and Townships where the Lands lie; and carefully keep such Warrants of Attorney, proved as aforesaid, upon a File, together with such Books and Rolls; and shall likewise enter up such Warrants of Attorney upon Record, and shall have for such Registry and Entry a Fee of Three-pence for every 200 Words, to be paid by the Person registering; and Four-pence for every Search that shall be made for the Name or Estate of any Person.

Clerks of the Peace to keep Books, and enter the Particulars as given in by the Parties in Writing 10 Days before the Quarter-Sessions.

Clerk of the Peace to receive 3 d. for every 200 Words he enters, and 4 d. for a Search.

Clerk of the Peace to give Copies of Entries of Payment of his Fees.

Or forfeits his Office.

Persons neglecting to take the Oaths, or register, forfeit the Lands they are seized of in Fee-simple.

And the Value of the Inheritance of such Lands whereof they are otherwise seized.

Two Thirds to the King, the other to the Prosecutor.

Persons suing in Chancery, favoured as Purchasers.

No Plea or Demurrer to be allowed there.

The respective Clerks of the Peace are required to give Copies of such Registries or Entries to every Person tending their Fees, being Three-pence for every 200 Words contained in such Copy.

Clerk of the Peace neglecting his Duty in any of the Particulars aforesaid, being lawfully convicted, forfeits his Office.

Persons hereby required, or intended to take the said Oaths, and subscribe such Declaration; or, in Default thereof, to register their Names and Estates in manner aforesaid; who shall not either take and subscribe such Oaths, and repeat and subscribe the Declaration aforesaid; or register their Names and Estates within the Times before limited, or shall not register the same truly,

them were not seized in Fee-simple at the time of such Default or Fraud.

Two Thirds of the said Forfeitures to the King, and the other to such Persons being Protestants, as shall sue for the same in any of the Courts of Common Law at *Westminster*, or in the High Court of Chancery.

Every Person suing for the same in Chancery, intituled to demand all such Discoveries, as if he were a Purchaser, upon a valuable Consideration, and to demand a Discovery from all Persons of such Incumbrances and Titles as affect the same, and of all Trusts relating thereto, or protecting the same.

To which Bills no Plea or Demurrer to be allow'd, but the Defendants shall sufficiently answer the same at large.

Who-

Forfeit the Fee-simple and Inheritance of all such Lands, Tenements, and Hereditaments not registred, or fraudulently registred, whereof they, or any in Trust for them, were seized in Fee-simple at the time of such Default or Fraud in registring as aforesaid; and the full Value of the Inheritance of all such Lands not registred, whereof they or some Persons in Trust for

Whoever shall sue for such real Estate, may bring an Ejectment on his own Demise, and give this Act and the special Matter in Evidence. Prosecutor may bring an Ejectment.

If upon Tryal the Defendant shall not make it appear, that he has taken the said Oaths, and subscribed the Declaration as aforesaid, or duly registered his Name and Estate,

A Verdict shall be given for the Lessor of the Plaintiff in such Ejectment, and Judgment thereupon had in such manner as is usual upon Verdicts in Ejectment, and the Lessor of the Plaintiff It shall lie upon the Defendant to shew the Lands are register'd.

shall have Costs of Suit.

By such Judgment, two Thirds shall be vested in the King, and the other in the Lessor of the Plaintiff. Vested in the King and the Prosecutor on Judgment.

Whoever shall be beyond Sea on the 18th of June, 1716. shall not be compellable to take the said Oaths, and make the Declaration aforesaid, until the 20th of May, 1717. or to register their Estates until six Months after the said 20th of May, 1717. Time enlarged to Persons beyond Sea.

Persons making Default, or committing any Fraud in registering, who shall after such Default or Fraud committed, and before Conviction, or any Ejectment or Suit brought for such forfeited Lands (*bona fide*) for a valuable Consideration, convey, grant, lease, or incumber any such Lands, &c. The Persons purchasing or having such Grant, Lease, or Incumbrance, not knowing the Grantor to be a Person within the Description of this Act, shall not be prejudiced, or their Estate or Interest in the said Lands impeached, by reason of such Forfeiture as aforesaid; but in that Case the Offender shall forfeit the Value of the Inheritance of the said Lands, to be distributed and recovered as aforesaid. Persons conveying or incumbering their Estates after the time allow'd for register ing is expir'd. The Grantee ignorant of his Offence not prejudiced. But the Offender to forfeit the Value of the Inheritance of the said Lands.

Provided that no Person be compellable to register, until he, or some Person in Trust for him, have been actually seized, and have Notice thereof, or possessed, or been in the Receipt of the Rents or Profits six Months at least. None compell'd to register till they have been seized of the Lands six Months.

Provided

Farmers and
Tenants at
Rack-Rents
excused.

Provided also, that no Farmers or Tenants at Rack-Rents, or who hold Leases, whereon two Thirds of the full Value is reserved, be compellable to register.

Creditors
having
Charges on
such forfeited
Estates not
prejudiced,
but the Per-
son making
Default to
forfeit the
Value of the
Incum-
brance.

And that nothing herein shall extend to defeat or prejudice any Protestant, or other Creditor, who shall have any Charge or Incumbrance on any real Estate hereby directed to be registred: But in such Case, the Persons making Default in registering, shall forfeit the Value of such Incumbrance, one Third to such Person as by virtue of this Act shall sue for and recover the Lands forfeited as aforesaid, and two Thirds to the King.

Persons in the *East* and *West-Indies*, or *America*, to be allowed twelve Months longer to take the said Oaths and Register, than the Persons before-men- tioned to be beyond Sea.

3 Geo. Cap. 18.

An Act for explaining an Act past the last Session of Parliament, intituled, An Act to oblige Papists to register their Names and real Estates, and for enlarging the Time for such Registering, and for securing Purchases made by Protestants.

Time for re-
gistring en-
larged.

THE Time for registering the Estates of Popish Recusants, pursuant to the Act of 1 *Georgii*, cap. 55. is further enlarged to the 20th of *Octob.* 1717.

No Action
for not regi-
string after
two Years.

And no Action for any Pain or Forfeiture, con- tained in this or the said former Act, for neglecting to register, or committing Fraud in such Registry, shall be brought above two Years after the Offence committed.

Registry to be
in the County
where the
House is.

And where any Mannors, Demesn, or other Lands, or entire Farms lie in more Counties than one, the registering of the same in the County only where the Mannor-House, or the House or Houses

to the said Farm or Lands do lie, taking notice that the same do extend to such other County or Counties; shall be a sufficient registering of such Mannors, Farms, and Lands, within the Intent of the said recited Act.

And whereas some Doubts have arisen upon the said recited Act, and also upon the 11th and 12th of *W. 3. cap. 4.* and upon the 1 *Jac. 1. cap. 4.* touching the Sale of the real Estates of Persons professing the Popish Religion, or incurring the Disabilities and Incapacities in the said Acts mentioned: It is hereby enacted, That no Sale for a full and valuable Consideration of any Mannors, Lands, &c. or of any Interest therein, by any Persons reputed Owners, or in Possession or Receipt of the Rents or Profits thereof, to or for any Protestant Purchasers, and only for the Benefit of Protestants, shall be avoided or impeached by reason of any Disabilities or Incapacities in the said Acts, incurr'd by any Persons making or joining in such Sale, or by any other Person thro' whom the Title to such Mannors, Lands, &c. or any Interest therein, shall be derived; unless before such Sale the Person entitled to take Advantage of such Disability, shall have recover'd such Lands, &c. or given notice of his Title thereof to such Purchaser, or before the Contract for such Sale shall have claimed the said Lands, &c. by reason of such Disability or Incapacity, and have enter'd such Claim in open Court, at the General Sessions of the Peace for the County, City, Riding, or Division where such Lands lie, and *bona fide*, with due Diligence, pursued his Remedy for Recovery thereof.

Provided, That whereas it was enacted by the said Act of the 11 & 12 of *W. 3.* That after the 10th of *April, 1700*, every Papist should be disabled to purchase to him, or to his Use, or in Trust for him, any Lands, &c. and that all Purchases made to or for the Use of such Person, or upon Trust mediately or immediately for him, should be void: It is hereby declared and enacted, that the said recited

No Sale of a Recusant's Lands to a Protestant to be void, without notice of the Claimant's Title before the Sale.

Papists disabled to purchase Lands.

Part of the said Act, shall not be hereby alter'd or repeal'd, but remain in full Force.

No Sale or
Devise of
Papists
Lands, to
be good,
unless en-
roll'd in six
Months.

And it is enacted, that after the 29th of September, 1717, no Mannors, Lands, &c. or any Interest therein, or Rent or Profit thereout, shall pass, alter, or change, from any Papist, by Deed or Will, unless such Deed, within 6 Months after the Date, and such Will within 6 Months after the Death of the Testator, be enroll'd in one of the Courts at Westminster, or in the Counties where the Lands lie, by the Custos Rotulorum, and two Justices of the Peace, and the Clerk of the Peace of the same Counties, or two of them at least, whereof the Clerk of the Peace to be one.

5 Geo. Cap. 29.

An Act for making more effectual the Laws appointing the Oaths for Security of the Government, to be taken by Ministers and Preachers in Churches and Meeting-Houses in Scotland.

Ministers in
Scotland
before they
are admitted
to preach, to
take the
Abjuration
Oath herein
specified.

EVERY Person who has obtained Licence, and been admitted to preach by any Presbytery in Scotland, and has not taken the Oaths to the Government; or who before the 1st of June, 1719, shall present himself to be tried as to his Qualifications to be licens'd to preach, or to be ordain'd a Minister of the Church of Scotland, shall before the said Day, or his obtaining such Licence, or being admitted or ordained a Minister, take and subscribe before the Court of Session, Court of Justiciary, or Court of Exchequer in Scotland; or before the Justices of Peace in their Quarter-Sessions, or before the Sheriffs or Stewarts, or their Deputies, in open Court, held for their Shire or Stewarty where such Person has Residence, or within which the Presbytery to which he shall present himself, shall be held, the following Oath, viz.

Abju-

Abjuration for Scotland.

I A. B. do truly and sincerely acknowledge, profess, testify, and declare in my Conscience, before God and the World, that our Sovereign Lord King George, is lawful and rightful King of *Great-Britain*, and all other his Majesty's Dominions thereunto belonging. And I do solemnly and sincerely declare, that I do believe, in my Conscience, that the Person pretended to be Prince of *Wales* during the Life of the late King *James*, and since his Decease pretending to be, and taking upon himself the Stile and Title of King of *England*, by the Name of *James* the Third, or of *Scotland*, by the Name of *James* the Eighth, or the Stile and Title of King of *Great-Britain*, hath not any Right or Title whatsoever to the Crown of this Realm, or any other the Dominions thereunto belonging. And I do renounce, refuse, and abjure any Allegiance or Obedience to him. And I do swear that I will bear faithful and true Allegiance to his Majesty King *George*, and him will defend to the utmost of my Power, against all traitorous Conspiracies and Attempts whatsoever, which shall be made against his Person and Government: And I will do my utmost Endeavour to disclose and make known to his Majesty, and his Successors, all Treasons and traiterous Conspiracies, which I shall know to be against him, or any of them. And I do faithfully promise, to the utmost of my Power, to support, maintain, and defend the Succession of the Crown in the Heirs of the Body of the late Princess *Sophia*, Electress and Dutches of *Hanover*, being Protestants, against him the said *James*, and all other Persons whatsoever. And all these Things I do plainly and sincerely acknowledge and swear, according to these express Words by me spoken, and according to the plain and common sense and Understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever. And I do make this Recognition,

tion, Acknowledgment, Abjuration, Renunciation, and Promise, heartily, willingly, and truly. *So help me God.*

*To pay for a
Certificate
2s.*

Which Courts shall administer the said Oath to such Persons as shall tender themselves to take the same; and the Clerks of such Courts shall grant Certificates bearing the Day and Date of taking such Oath, and Names of the Commissioners of the Peace present, and the Name and Description of every Person who shall take such Oath; for which Certificate there shall be paid no more than 2 s.

*Certificate to
be recorded.*

And every Person who shall present himself in order to obtain such Licence, or to be ordain'd, shall before he obtain the Licence, or be ordained, cause to be recorded in the Book of the Sheriff's, or Stewart's Court, within the Jurisdiction whereof is the Seat of such Presbytery, a Certificate of his having taken and subscrib'd the said Oath.

*Episcopal
Clergy to
take the
said Oath.*

And no Person shall preach or perform any Divine Service in any Episcopal Meeting-House, or Congregation, where more than nine shall be present, besides those of the same Household, but such who shall pray in express Words for King George, the Prince and Princess of Wales, and their Issue, and who shall have taken and subscribed the said Oath, in one or other of the Courts aforesaid, where he is resident, or the Meeting-House situate.

*And pray
for the
Royal Fa-
mily.*

*Penalty of
Presbyterian
Ministers
not taking
the Oath.*

And if any Expectant of Divinity hereby directed to take the said Oath, shall present himself, or apply to any Presbytery, or Church Judicature, to be ordain'd or licens'd to preach, without causing to be recorded a Certificate of his having taken the Oath as aforesaid, he shall be liable to six Months Imprisonment, and be incapable of enjoying any Benefice, Glebe, or Manse, by Virtue of any Presentation, Call, or other Settlement, as a Minister of any Parish for one Year, from the Time he shall take the Oaths after having obtained Licence to preach. And all Civil Magistrates

rates are requir'd to hinder such Person to preach within their Jurisdiction. Or if any Person shall preach or perform any Part of Divine Service in any Episcopal Meeting-House, without praying in express Words for King *George*, the Prince and Princess of *Wales*, and their Issue, or without having taken the aforesaid Oath, he shall be liable to six Months Imprisonment, and such Meeting-House shall be shut up for six Months.

Penalty of Episcopal Ministers not taking it.

And one Moiety, not exceeding half a Year's stipend of the Parishes respectively concern'd, of each Penalties as shall be incurr'd by this Act, shall go to the Prosecutor, and the other Moiety to the Poor of the Parish where the Offence shall be committed; and the said Moieties respectively shall be recover'd by way of Action, or summary Complaint, without abiding the ordinary Process of Law: and Stop of such Prosecution shall be, unless upon production of a Certificate that the Person prosecuted has taken the said Oaths.

Penalties disposed between the Prosecutor and the Poor.

Prosecution to be in a summary way.

And every Minister of the Church of *Scotland* shall be acquitted, pardon'd, and discharg'd of the Offences of having preach'd without taking and subscribing the Oaths and Assurance appointed to be taken by the 1 Geo. cap. 13. and of all Forfeitures, Fines, and Disabilities, incurr'd on that account, by virtue of the said Act.

Presbyterian Ministers discharg'd of all Fines for not taking the former Abjuration Oath.

And every Person who now is, or shall hereafter be ordain'd, or admitted a Minister of the Church of *Scotland*, except such as have taken and subscrib'd the Oaths and Declarations appointed by the last mentioned Statute, shall on or before the first of June, 1719, or before their being ordained or admitted Minister of any Congregation in *Scotland*, take and subscribe the Oath of Allegiance, and the Assurance in the said Act; and also the Oath of Abjuration herein specified, in lieu of the Oath of Abjuration formerly requir'd by Law, in such manner, and shall be certify'd as therein or herein is before mentioned. And every Minister who shall take, or who

But all Ministers to take the Oath of Allegiance and Assurance, in 1 Geo. and the Abjuration in this Act for the future.

has

And register
a Certificate
thereof.

has taken the said Oaths, shall cause a Certificate thereof to be entred in the Books of the Sheriff or Stewart Courts within the Bounds of which the Parish lies whereof he is Minister; and the Clerks of the said Courts shall enter such Certificate, and grant Extracts thereof, without any other Fee than 2 s.

Patron pre-
senting a
Person un-
qualified,
deem'd as
no Presenta-
tion.

And if any Patron shall present a Person to a vacant Church, not qualify'd by taking the said Oaths as aforesaid, or present a Person who is then Pastor or Minister of another Church or Parish; or any Person who shall not accept the Presentation to which he is presented; such Presentation shall not be accounted any Interruption of the Course of Time allow'd to the Patron for presenting, but the *Jus Devolutum* shall take place, as if no such Presentation had been offer'd.

And it is declared that nothing herein shall prejudice the Right of the Church as it now stands by Law establish'd, as to the trying of the Qualities of any Person presented to any Church or Benefice.

8 Geo. Cap. 6.

An Act for granting the People called Quakers such Forms of Affirmation or Declaration, as may remove the Difficulties which many of them lie under.

Declaration
of Fidelity,
and Affir-
mations to be
taken by the
Quakers in-
stead of
the Oaths.

IN all Cases where any Quaker is required or permitted to make and subscribe the Declaration of Fidelity prescribed by the 1 W. & M. c. 18. or to make the solemn Affirmation or Declaration prescribed by 7 & 8 W. III. cap. 34. or to take the Effect of the Abjuration-Oath prescribed by 1 Geo. cap. 6.

Every such Quaker shall, instead of the said first mention'd Declaration of Fidelity, make and subscribe a Declaration of Fidelity in the following Words (*viz.*)

Decla

Declaration.

I *A. B.* do solemnly and sincerely promise and de-^{Declaration.}clare, That I will be true and faithful to King *George*; and do solemnly, sincerely and truly profess, testify and declare, That I do from my Heart abhor, detest and renounce, as impious and heretical, that wicked Doctrine and Position, That Princes excommunicated or deprived by the Pope, or any Authority of the See of *Rome*, may be deposed or murdered by their Subjects, or any other whatsoever. And I do declare, That no foreign Prince, Person, Prelate, State or Potentate, hath or ought to have any Power, Jurisdiction, Superiority, Preheminence, or Authority Ecclesiastical or Spiritual within this Realm.

And instead of the solemn Affirmation prescribed by the said Act of 7 & 8 *W. III.* shall make the solemn Declaration or Affirmation following, *viz.*

I *A. B.* do solemnly, sincerely and truly declare^{Affirmation.} and affirm.

And instead of the Form prescribed by the said Act of 1 *Geor.* for the Effect of the Abjuration-Oath, shall take the Effect thereof in the following Words :

I *A. B.* do solemnly, sincerely and truly acknow-^{Effect of the}ledge, profess, testify and declare, That King^{Abjuration-} *George* is Lawful and Rightful King of this Realm,^{Oath to be} and of all other his Dominions and Countries there-^{taken.}unto belonging. And I do solemnly and sincerely declare, That I do believe the Person pretended to be the Prince of *Wales*, during the Life of the late King *James*; and, since his Decease, pretending to be, and taking upon himself the Stile and Title of King of *England*, by the Name of *James* the Third; or of *Scotland*, by the Name of *James* the Eighth; or the Stile and Title of King of *Great Britain*;

K

hath

hath not any Right or Title whatsoever to the Crown of this Realm, nor any other the Dominions thereunto belonging; and I do renounce and refuse any Allegiance or Obedience to him. And I do solemnly promise, 'That I will be true and faithful, and bear true Allegiance to King *George*, and to him will be faithful against all traitorous Conspiracies and Attempts whatsoever, which shall be made against his Person, Crown or Dignity. And I will do my best Endeavour to disclose and make known to King *George* and his Successors, all Treasons and traitorous Conspiracies which I shall know to be made against him, or any of them. And I will be true and faithful to the Succession of the Crown against him the said *James*, and all other Persons whatsoever, as the same is and stands settled by an Act, entituled, *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown to the late Queen Anne, and the Heirs of her Body, being Protestants*: And as the same, by one other Act, entituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*; is and stands settled and entailed, after the Decease of the said late Queen; and for Default of Issue of the said late Queen, to the late Princess *Sophia*, Electress and Dutches Dowager of *Hannover*, and the Heirs of her Body, being Protestants. And all these things I do plainly and sincerely acknowledge, promise and declare, according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, Mental Evasion, or Secret Reservation whatsoever. And I do make this Recognition, Acknowledgment, Renunciation and Promise, heartily, willingly and truly.

And all Persons authorized to administer the said former Declaration and solemn Affirmations, &c. are required to administer and tender the Declarations, &c. specified in this Act. *Ib.*

And

And it is enacted, That the Declaration of Fidelity and solemn Affirmation or Declaration, and the Effect of the Abjuration-Oath appointed by this Act, shall be of the same Force and Effect, and no other, in all Courts of Justice and elsewhere, as if such Quaker had made and subscribed the Declaration of Fidelity, or had made the solemn Affirmation or Declaration, or had taken the Effect of the Abjuration-Oath in the respective Forms appointed by the said recited Acts. *ib.*

And if any Person making such Affirmation or Declaration, as is appointed by this Act, instead of that prescribed by 7 & 8 W. III. shall be lawfully convicted of wilful, false and corrupt affirming any thing; which, if sworn, would have amounted to wilful and corrupt Perjury: *Quakers affirming falsely, incur the Pains inflicted on Perjury.* Such Offender shall incur the same Pains and Forfeitures as are by Law inflicted on Persons convicted of wilful and corrupt Perjury.

Provided, That all Clauses contained in the said recited Acts, not hereby expressly altered or repealed, shall be in the same Force as they were before the making this Act. *ib.*

9 Geo. Cap. 1.

An Act to empower his Majesty to secure and detain such Persons as his Majesty shall suspect are conspiring against his Person and Government.

Every Person in Prison in Great Britain the 10th of October, 1722. or after, by Warrant of the Privy-Council, sign'd by six of the Privy-Council, or High-Treason, Suspicion of High-Treason, or reasonable Practices; or by Warrant sign'd by any of the Secretaries of State, for such Causes as aforesaid, shall be detain'd in Custody without Bail until the 24th of October, 1723. And no Judge, or Justice of Peace, shall bail or try any such Person

Disaffected Persons may be detain'd in Custody without Trial till the 24th of October, 1723.

without Order of the Privy-Council, sign'd by six of them, till the said 24th of *October*, 1723.

Act in Scotland suspended.

And the Act made in *Scotland* in the Year 1701. for preventing wrongous Imprisonment, so far as it relates to Treason or Suspicion of Treason, shall be suspended until the said 24th of *October*, 1723. And no Judge, Justice of Peace, or other Officer in *Scotland*, shall liberate, try, or admit to Bail, any Person who shall be in Prison in *Scotland*, for such Causes as aforesaid, without Order from the Privy-Council, sign'd by six of them.

Privileges of Parliament saved.

Provided, That this Act shall not extend to invalidate the antient Rights and Privileges of Parliament, or to the Imprisonment or Detaining of any Member of either House during the sitting of such Parliament, until the Matter he stands suspected of, be communicated to the House of which he is a Member, and the Consent of the said House obtain'd.

9 Geor. Cap. 18.

An Act for granting an Aid to his Majesty, by laying a Tax upon Papists; and for making such other Persons, as upon due Summons shall refuse or neglect to take the Oaths therein mention'd, to contribute towards the said Tax, for reimbursing to the Publick part of the great Expences occasion'd by the late Conspiracies, and for discharging the Estates of Papists from the two third Parts of the Rents and Profits thereof for one Year, and all Arrears of the same, and from such Forfeitures as are therein more particularly described.

Preamble.

THE Preamble of this Act recites, That his Majesty, in the first Year of his Reign, by a Message

Message signified his Consent to the Commons, that the two third Parts of the Profits of the Lands of Popish Recufants Convict, which by Law were to be seized for such Recufancy, might be applied towards suppressing the Rebellion then lately made : and that to the end the said two third Parts, and the yearly and other Values of them might be the better known, an Act was made in the said first Year, appointing Commissioners to enquire of the Estates of certain Traitors and Popish Recufants, &c. In pursuance whereof, certain Commissioners were appointed to enquire concerning the said Estates, and the Values of them, and particularly what Popish Recufants or Papists, or whose Parents were Papists, should not take the Oaths, and make and subscribe the Declaration prescribed by another Act of that Sessions, or in Default thereof, register their Names and Estates, &c. By which Act, all Moneys arising out of the said Estates, &c. to his Majesty, were appropriated to the Use of the Publick, to be applied thereto by Parliament ; and further recites, that by another Act in the said first Year, entituled, **An Act to oblige Papists to register their Names and real Estates**, it was enacted, That all Persons who should not take the Oaths, and who had any Estate or Interest in any Lands, Tenements or Hereditaments, and were Popish Recufants, or Papists, or educated in the Popish Religion, or whose Parents were Papists, or who should profess the Popish Religion, should take the Oaths, and repeat and subscribe the Declaration by the said Act prescribed ; and in Default thereof, should register their Names and Lands : and that on the 19th of *February*, 1719. a Report, sign'd by seven of the said Commissioners, was presented to the House of Commons, containing the Names of the Papists who had registred their Estates, and the yearly Rents of the same, amounting in the whole to 384,950 *l. 6 s. 6 d. $\frac{3}{4}$ per Annum*, over and above large Sums arising from time to time for Fines payable by the Lease-hold and Copy-hold Tenants,

100,000 l. to
be levied on
the Papists
for the Year
1723.

Over and
above their
double Taxes.

The particu-
lar Sums
laid on each
County.

nants, &c. And that since the making the said Acts, the Papists and their Abettors had given fresh Instances of their Zeal in forming Plots and Conspiracies, and stirring up Rebellions, which had brought a great Expence upon the Subject; and that therefore it was reasonable, in Satisfaction of such Share as they ought to contribute towards the extraordinary Expences brought upon this Kingdom, and in lieu of the said two Thirds of the Rents and Profits of such Estates growing due, for one Year, commencing from the 25th of *March*, 1723. and of all Arrears incurr'd before the said 25th of *March*, and in lieu of all Pains and Forfeitures hereby intended to be discharged, there should be levied the Sum of 100,000 l. upon such Papists and others, and their Estates, as are hereafter described, for the Use of the Publick: It is therefore enacted, that the Sum of One Hundred Thousand Pounds shall be levied for the Use of the Publick within one Year, to be reckoned from the 25th of *March*, 1723. and shall be assess'd and tax'd upon all such Papists in *England*, *Wales*, or the Town of *Berwick*, who, at the time of the Execution of this Act, shall be full 18 Years of Age, or upwards, and shall then be possess'd in his own Name and Right, or in the Names of any others in Trust for him, or for his Use or Benefit, of any Estate or Interest whatsoever, in any Lands, Tenements, Rents, Hereditaments, Annuities or yearly Profits, Leases, ready Money, separate Debts, Goods, Chattels, or other real or personal Estate whatsoever; and that whether the real Estates of such Papists be or be not duly registred, according to the said former Acts, over and above the double Taxes, to be paid by them by virtue of any other Act of this Sessions of Parliament, for granting an Aid to his Majesty by a Land-Tax, in manner following: viz. Within the County of *Bedford*, 259 l. 1 s. 5 d. County of *Berks*, 1920 l. 5 s. County of *Bucks*, 1505 l. 13 s. County of *Cambridge*, with the University and Town of *Cambridge*, and the Isle of *Ely*,

170 l. 12 s. 2 d. $\frac{1}{2}$. County of *Chester*, 1509 l. 10 s. 9 d. County of *Cornwall*, 371 l. 6 s. 1 d. $\frac{1}{4}$. County of *Cumberland*, 873 l. 8 s. County of *Derby*, 1748 l. 0 s. 6 d. City and County of *Exon*, 5 l. 14 s. 8 d. $\frac{1}{2}$. County of *Devon*, 613 l. 16 s. County of *Dorset*, 1096 l. 5 s. County of *Durham*, 3611 l. 14 s. West-Riding of the County of *York*, 5092 l. North-Riding of the County of *York*, 5685 l. 10 s. East-Riding of the County of *York*, 2197 l. 11 s. City of *York*, and County of the same City, 281 l. 19 s. 4 d. Town and County of the Town of *Kingston upon Hull*, 15 l. 19 s. 6 d. $\frac{1}{2}$. County of *Essex*, 2391 l. 18 s. County of *Gloucester*, 1910 l. 15 s. County of *Hereford*, 1446 l. 2 s. County of *Hertford*, 342 l. 7 s. 6 d. County of *Huntingdon*, 160 l. 8 s. 1 d. $\frac{1}{2}$. County of *Kent*, 1760 l. 19 s. County of *Lancaster*, 7109 l. 10 s. County of *Leicester*, 1946 l. 9 s. County of *Lincoln*, 4654 l. 6 s. 6 d. $\frac{1}{2}$. City of *London*, 572 l. 18 s. County of *Middlesex*, 4172 l. 17 s. County of *Monmouth*, 1004 l. 2 s. City and County of the City of *Norwich*, 54 l. 18 s. 3 d. County of *Norfolk*, 3101 l. 5 s. County of *Northampton*, 3310 l. 18 s. Town and County of the Town of *Newcastle upon Tyne*, 1 l. 1 s. 1 d. Town of *Berwick upon Tweed*, 4 l. 9 s. 7 d. $\frac{1}{2}$. County of *Northumberland*, 5148 l. Town and County of the Town of *Nottingham*, 1 l. 3 s. 4 d. $\frac{1}{2}$. *Southwell-Soke*, 172 l. 2 s. 1 d. $\frac{1}{2}$. Rest of the County of *Nottingham*, 2556 l. 2 s. County of *Oxon*, with the University of *Oxon*, and the City of *Oxon*, 2986 l. 19 s. County of *Rutland*, 10 l. 11 s. 11 d. County of *Salop*, 2249 l. 7 s. County of *Somerset*, 916 l. 8 s. County of *Southampton*, and the Isle of *Wight*, 2057 l. 4 s. City and County of the City of *Litchfield*, 11 s. 8 d. County of *Stafford*, 5247 l. County of *Suffolk*, 2603 l. 11 s. County of *Surrey*, 918 l. 11 s. County of *Sussex*, 4477 l. 2 s. City and County of the City of *Coventry*, 120 l. 13 s. 5 d. County of *Warwick*, 3548 l. 2 s. City and County of the City of *Worcester*, 35 l. 10 s. 4 d. County of *Worcester*, 2450 l. 9 s. County of *Wils*, 1359 l.

6 s. County of *Westmorland*, 343 l. 16 s. 5 d. County of *Brecon*, 65 l. 15 s. 8 d $\frac{1}{2}$. County of *Cardigan*, 193 l. 3 s. 4 d. County of *Carmarthen*, 180 l. 8 s. County of *Carnarvan*, 43 l. 9 s. 9 d. County of *Denbigh*, 206 l. 12 s. County of *Flint*, 299 l. 2 s. County of *Glamorgan*, 48 l. 12 s. 7 d $\frac{1}{2}$. County of *Montgomery*, 788 l. 3 s. County of *Radnor*, 140 l. 12 s. 7 d $\frac{1}{4}$.

Commissioners of the Land-Tax made Commissioners.

And the Commissioners of the Land-Tax for the present Year, are hereby appointed Commissioners for putting this present Act in execution, in their several Counties, Ridings, Cities, Towns and Places respectively.

Warrants to be directed to the High Constables, &c. to enquire what Papists inhabit in their Districts, and the Value of their Estates.

And the said Commissioners, at their first or other general Meeting for the Land-Tax, shall direct their Precepts to the respective High Constables, or such other proper Officers as they shall think fit, in every Hundred, Lath, Wapentake, Rapeward, or other Division, requiring them to inform themselves what Papists, or reputed Papists, do inhabit or reside within every such Hundred, Ward, or other Division; and what Estate, Real or Personal, they, or any in Trust for them, is reputed to have there, and what are the yearly or other Values thereof: And to deliver to the said Commissioners, at their next general Meeting, their Presentments, which they shall make, upon their respective Oaths, according to the best of their Knowledge, Information, and Belief; which Oaths the said Commissioners, or any two of them, are empowered to administer. And the said Commissioners are required to meet at the most usual Places in each County, City, &c. on or before the 10th of July, 1723. for issuing their Precepts in manner aforesaid. And the several Clerks of the Peace for every County, &c. at the subsequent general Meeting hereafter directed, shall deliver to the said Commissioners an Extract, signed by them respectively, specifying the Names of the Papists who have registred any Estates, and expressing in gross Sums the yearly or other Values of such Estates

Which the said Constables, &c. are to present upon Oath.

Commissioners to meet before the 10th of July.

Clerks of the Peace to give in Extracts of the Papists Estates registred.

Estates so registred ; which said Presentments of the High Constables, &c. and the said Extracts, signed by the Clerks of the Peace, shall be made in Writing, in such manner as may most conduce to the Information of the said Commissioners, touching the Number of Papists, and the yearly or other Values of their respective Estates. And in case any High Constable, or other Officer, to whom such Precept shall be directed, the same having been delivered to him, or left at his usual Place of Abode, shall neglect to make such Enquiry or Presentment as aforesaid, not being hindered by some unavoidable Impediment, to be made out by two Witnesses upon Oath ; or if any Clerk of the Peace neglect to deliver such Extracts from the said Registers as aforesaid, **such High Constable, &c. and every Clerk of the Peace for such Neglect shall forfeit 100 l** to be levied by Distress and Sale, in like manner as Fines and Forfeitures may be levied, by virtue of the said Act, for raising Money by a Land-Tax as aforesaid. And on the 13th of *August, 1723.* the subsequent General Meeting of the several Commissioners shall be held at the most usual Place, and they are hereby required then to set down in Writing the several Proportions which they shall think ought to be charged upon the said Papists, and their Estates, in every Hundred, Ward, and other Division, towards raising the Sum by this Act charged upon them.

And the said Commissioners for every County at large, at such subsequent General Meeting, shall ascertain the Proportions which ought to be paid within every City, Town, or Place respectively, within their respective Counties, which have distinct Commissioners for the Land-Tax, but have not any particular Quota charged on them by this Act ; and shall certify the same, under the Hands and Seals of two or more of them, to the Commissioners appointed by the said Act in such Cities, &c. who are required to cause the same Proportions to be raised and paid as this Act directs. And the said

Constable, &c. not presenting Estates.

A Clerk of the Peace not delivering an Extract of the registered Estates to forfeit 100 l.

To be levied by Distress and Sale.

Subsequent Meeting of Commissioners to be Aug. 13. when they shall ascertain the Sums to be paid.

Commissioners for the County to ascertain the Sums to be raised in Cities, &c.

Com-

Commissioners are required to cause the said several Proportions, so to be charged on Papists and their Estates, to be justly assessed and taxed.

Nonjurors to pay the same Proportion as Papists.

Persons neglecting to swear, or to appear on a Warrant from two Commissioners, deemed Nonjurors.

Quakers Declaration of Fidelity to excuse them.

Assessors neglecting their Duty the Commissioners to assess.

And it is enacted, That every Person, being 18 Years of Age or upwards, and being in *England, Wales, or Berwick*, at the time of the Execution of this Act, who shall not before that time have taken the Oaths appointed by the Act of 1 Geo. cap. 13. and upon Summons by Warrant under the Hands and Seals of any two or more of the said Commissioners, acting in any Hundred, Division, City, or Place, shall refuse to take the said Oaths at the time appointed by the said Warrant, or shall neglect to appear at such time before the Commissioners, in order to take the said Oaths, which they or any two of them are empowered to administer, shall pay towards the said Sum charged upon Papists, and their Estates, in such Hundred, Division, City or Place respectively, so much as shall bear Proportion to the Rates which the Papists in the same Hundred, Division, &c. are by this Act obliged to pay for their real or personal Estates. And two or more of the Commissioners, appointed by this Act, in the respective Hundreds, Divisions, Cities, Towns, or Places, where a Sum of Money is to be raised by this Act, upon Information, or upon any Cause of Suspicion, are hereby required to cause such suspected Person to take the said Oaths as aforesaid.

Provided, That it shall be sufficient for any Quaker to make and subscribe the Declaration of Fidelity contained in the 8 Geo. cap. 6. and thereupon such Quaker shall not be liable or chargeable with any of the Assessments upon this Act.

And where any Assessors shall neglect to do their Duty in assessing Papists, or other Persons refusing to take the Oaths as aforesaid, the Commissioners, or any two of them, are authorized to assess them, according to the true Intent of this Act.

And all Estates of such Papists and other Persons, ^{What Estates liable.} which they, or any others in Trust for them, now have, or at the time of the Execution of this Act shall have, shall be subject and liable to the Assessments and Taxes, which, in pursuance of this Act, shall be laid upon them.

Provided, That if any Person who shall be taxed ^{Persons taking the Oaths within six Days after their Proportion is demanded of them, to be discharged.} or assessed, in pursuance of this Act, towards the Proportion to be raised upon Papists and others, and their Estates as aforesaid, shall, within six Days after Demand of the Sum assessed on him, voluntarily appear before the said Commissioners, or any two of them, and take the several Oaths appointed to be taken by Persons that bear any Office, by the said Act of 1 Geo. cap. 13. and also repeat and subscribe the Declaration, in an Act of 30 Car. II. cap. 1. Stat. 2. which Oaths and Declarations may be administered by any two of the said Commissioners within every Hundred, Division, &c. In every such Case such Person, and his Estate, shall be wholly discharged and acquitted of the said Tax or Assessment laid upon him, and so much as shall be so discharged shall be deemed a Deficiency of the Aid hereby granted.

And the said Commissioners, or any two of them, ^{Duplicates of Assessments to be delivered to the Collectors,} upon the receiving from the Assessors the Copies of the distinct Assessments, made pursuant to this Act, shall sign and seal one distinct Duplicate thereof, and deliver the same to the respective Collectors, with their Warrant to collect the said Assessments, and shall execute another Duplicate or Schedule in Parchment, containing the whole Sum assessed in each Parish or Place, and deliver the same to the Receiver-General of each County, City, Riding, ^{And to the Receiver-General,} Borough, or Place, or his Deputy, and shall before the 13th of September, 1723. or within ten days after, transmit a like Duplicate into the Remembrancer's Office in the Exchequer, ^{And to the Remembrancer.} all Appeals to them being first determined.

And

*Payments to
be at Mi-
chaelmas
and Lady-
Day.*

And the first half-yearly Payments of the Money that is to be rais'd by this Act, shall be levied and paid to the several Receivers-General on or before the 29th of *September*, 1723. and the last half yearly Payment on or before the 25th of *March*, 1724.

*Duties to be
assessed and
levied as the
Land-Tax
is.*

And the Duties charged on Papists, and other Persons and their Estates as aforesaid, shall be assessed, collected, and levied by such Ways and Means, and under the like Pains, Forfeitures, and Disabilities, and subject to the like Powers of Appeal and Mitigation, and such other Powers, Restrictions, and Directions as are prescribed by the said Act for raising the Land-Tax; and the several

*Tenants to
pay the Tax,
and be al-
lowed it, tho
the Landlord
has made an
Agreement to
the contrary.*

Tenants of Lands or Tenements, rated by this Act, shall pay the Sums rated upon them; and such Tenants as are Protestants shall deduct out of the Rents the Rates so paid, and the Landlord shall allow the same, notwithstanding any Agreements made between such Landlords and Tenants in relation to Tares. And the Powers, Pains, Forfeitures and Disabilities, contained in the said Act for raising the Land-Tax, touching the assessing, collecting, levying by Distress, Commitment, or otherwise, for raising the Aids thereby granted, shall be applied and put in execution for assessing and levying the Duties hereby granted.

*Receiver-
General to
give the
Commission-
ers a Re-
ceipt for the
Sums levied.*

And every Receiver-General, after he shall have received the full Sum charged on any Hundred, Division, City, Town, or Place for each particular Payment, Deduction being made of such Deficiencies as are allowed by this Act, shall give to the Commissioners a Writing, under his Hand and Seal, acknowledging the Receipt of the full Sum, and

*And to
transmit a
Certificate
thereof to the
Remembran-
cer within a
Month,*

shall also transmit, within one Month after such Receipt, a Certificate under his Hand and Seal, written on Parchment, into the Office of the Remembrancer in the Exchequer, who shall give a Receipt, under his Hand, for every such Certificate; and on Refusal or Neglect, to transmit such Certificate within one Month as aforesaid; or if the

*Who shall
sign a Re-
ceipt for it.*

the Remembrancer, or his Deputy, shall refuse to sign a Receipt for such Certificate, then every such Receiver, and the said Remembrancer respectively, shall forfeit 20 l. and be liable to pay double Damages to any Person who shall be griev'd by such Refusal or Neglect, with full Costs, to be recover'd by Action, Bill, Suit, or Information, in the Courts at *Westminster*, wherein no Essoign, &c. shall be allow'd.

And in case the full Sum laid by this Act upon Papists, and their Estates, within any County, City, or Place, hereby charg'd with a particular Sum, Deduction being made for such Deficiencies as aforesaid, shall be duly paid to the Receiver General; the same shall go and be taken in lieu of the two third Parts of the Rents and Profits of all the Estates of Popish Recusants convict, or not convict, which were registr'd upon the said former Act, growing due within, and for one Year, to be reckoned from the 25th of March, 1723, and in lieu of all Arrears thereof, incurr'd or to be incurr'd before the said 25th of March, 1723; and in Discharge of all pecuniary Penalties to which any Person is or shall be liable at any time before the said 25th of March, 1723, as a Popish Recusant, or by reason of his or her Recusancy, or of all forfeitures for not taking the Oaths, or subscribing the Declaration aforesaid, or registering their Estates within the time limited. And the Prosecution of all Actions commenced for any such Pains or Forfeitures, in which no Judgment shall be given before *Easter-Term*, 1723, shall cease, and the said Pains and Forfeitures are hereby discharged.

And the Treasury is hereby authoriz'd to allow out of the Monies arising by this Act, to the respective Receivers General, a Salary not exceeding 2 d. in the Pound, for so much as they shall pay into the Exchequer upon the clearing of their Accounts.

And

On pain of 20 l. and double Damages to the Party griev'd.

County, &c. raising the full Sum charg'd, to be in lieu of the two Thirds of Recusants Estates for 1723.

And of all Pains for Recusancy incurr'd before.

Receivers Salary 2 d. in the Pound.

*Collectors 3d.**Three-half-pence in the Pound to Commissioners Clerks.**Clerks of the Peace 2d. for every 200 Words.**High-Constable 2d. for every 200 Words in Presentments.**Estates come into Protestant Hands to be discharged.*

And the Collectors of the said Assessments, upon Payment of the Money collected by them to the Receiver General, shall receive for their pains 3 *d.* in the Pound, which they are hereby empower'd to detain out of the last Payment of the Money of their several Payments; and the said Receivers General, upon Receipt of the whole Assessment in the said Counties, Cities, &c. for which they shall be appointed Receivers, in case they shall respectively have received the several Duplicates of each Parish and Place therein; and that such Duplicates, Schedules, and Certificates, shall be deliver'd and transmitted as aforesaid, and not otherwise, shall pay by the Warrant of the Commissioners, or any two of them, Three-half-pence in the Pound to the Commissioners Clerks, for their Pains and fair Writing the said Assessments, &c. And the Treasury are appointed to pay to such Clerks of the Peace, as shall deliver the said Commissioners such Extracts from the said Register, as are hereby required, a further Reward for their Pains, not exceeding 2 *d.* for every 200 Words contained in such Extracts, and to the several High Constables and other proper Officers, as shall make and deliver such Presentments as aforesaid, a Reward for themselves and their Clerks, not exceeding 2 *d.* in the Pound for every 200 Words in such Presentment. And in case it shall appear to the Commissioners of any Hundred, Ward, or other Division, or any two of them by two Witnesses upon Oath, at any Meeting, for putting this Act in Execution, that any Lands, Tenements, &c. within such Hundred, &c. or any Interest in any such Lands, Tenements, or Hereditaments, which were registred in pursuance of the said recited Act, shall be at the Time of such Examination, really, and *bona fide*, vested in, or belong to any Protestant, either by means of the Persons registering having taken the Oaths, or of the Death of any Person, or by Alienation, *bona fide*, made before the 25th of September, 1722. or shall become vested in any Infant under the

Age

Age of 18 Years; then the said Commissioners, or any two of them, are requir'd to make a Certificate thereof in Writing, under their Hands and Seals, ^{And Certificates thereof transmitted to the Remembrancer.} and to transmit the same into the Remembrancer's Office in the Exchequer: And thereupon such Part or Proportion of the Sum charg'd by this Act upon the City, Borough, Town, Parish, or Place in which such Lands, Tenements, or Hereditaments, shall respectively lie, shall not be levied, but shall be wholly releas'd and discharg'd; and so much as shall ^{And the same deem'd a Deficiency.} be so discharg'd, shall be deem'd a Deficiency of the Aid hereby granted.

And if any Lands, &c. liable to a Rent-Charge, ^{Deduction of Taxes for Rent-Charges, &c.} Annuity, Fee-Farm-Rents, or other yearly Payments, shall be charg'd with the said Tax, as clear of such Rents and annual Payments, it shall be lawful for such Person whose Lands, &c. are so tax'd, to detain in his own Hands, out of such annual Rent or Payment, to be paid to any Person liable to be charg'd with the abovesaid Tax, so much as a Rate for every such Rent, &c. shall by a just proportion amount to: Any Covenant or Agreement ^{Tho' Agreement to the contrary.} heretofore made, that the said Rents or Payments shall be free from Parliamentary, or other Taxes, notwithstanding.

And if it shall appear to the Commissioners of any Hundred, Ward, or other Division, or any two of them, by Inspection of the Registers of the said County, and Examination of two or more Witnesses on Oath, at any Meeting, that any Jointure, Annuity, or Rent-Charge, issuing out of any register'd Estate, or liable to the Aid hereby granted, is register'd as real Estate, and annual Rent, and is computed as a separate and distinct Estate, in the Sum total of the annual Value of the Estates of Papists of such County; then the said Commissioners are ^{If a Jointure-Rent, Charge, &c. be upon any Estate, and charg'd in another Place,} requir'd to make a Certificate thereof under their Hands and Seals, and to transmit the same into the Remembrancer's Office; and thereupon such Part or ^{A Certificate to be made thereof by the Commissioners. And transmitted to the Remembrancer.} proportion of the Sum chargeable upon the City, Borough,

And a proportionable Sum deducted. Which shall be deem'd a Deficiency.

The Estates of the Pendrils discharged.

Certificates of the Estates discharged to be transmitted to the Remembrancer.

And the Duty not levy'd on them.

But deem'd a Deficiency.

Borough, Town, Parish, or Place in which the Lands, &c. out of which the said Jointures, Annuities, or Rent-Charges issue, do respectively lie, shall not be levied, but shall be wholly discharg'd, and be deem'd a Deficiency of the Aid hereby granted.

Provided, That this Act do not extend to charge the real or personal Estates of the *Pendrils*, and others which they were seized of, or entituled to, on the 1st of *October*, 1722. in regard to the Fidelity and eminent Services of their Ancestors in the Preservation of King *Charles II.* and their own constant Loyalty to his present Majesty.

And the said Commissioners, or any two of them, in their respective Districts, are requir'd to make Certificates, under their Hands and Seals, of the Estates of the Persons hereby discharg'd, and to transmit the same to the Remembrancer's Office; and thereupon such part of the Sum chargeable towards the Aid hereby granted, shall not be levied, but is hereby discharg'd and extinguish'd, and shall be deem'd a Deficiency of the Aid hereby granted.

9 Geor. Cap. 24.

An Act to oblige all Persons, being Papists, in that Part of Great Britain call'd Scotland, and all Persons in Great Britain refusing or neglecting to take the Oaths appointed for the Security of his Majesty's Person and Government, by several Acts herein mention'd, to register their Names and Real Estates.

Preamble.

THE Preamble recites, That whereas since his Majesty's Accession, divers Rebellions and Conspiracies have been entred into for the Destruction of his Majesty, and setting a Popish Pretender on the Throne: And whereas Papists and Nonjurors

rors, who have enjoy'd the Protection of the Government, have yet been notoriously concerned in contriving and supporting the said Rebellions and Conspiracies, and take themselves to be obliged by their Principles to be Enemies to his Majesty and the present Establishment: And as it is reasonable the Government should be acquainted with the Numbers, Names and real Estates of such disaffected Persons, in order to disappoint and punish such traitorous Attempts, it is enacted, That every Person in *England, Wales*, and the Town of *Berwick*, being 18 Years of Age or upwards, who has not taken the Oaths appointed by 1 *Geor. cap. 13.* and who shall neglect to take the Oaths on or before the 25th of *December, 1723.* in one of the Courts at *Westminster*, or at the Quarter-Sessions of the County, City, or Place where he shall live or inhabit, shall, on or before the 25th of *March, 1724.* register their respective Names and real Estates, in such manner as Papists were oblig'd to register their Names and real Estates by 1 *Geo. cap. 55.* and also by another Act made 3 *Geo. cap. 18.* And the respective Officers appointed by the said last mention'd Acts of the 1 & 3 of *Geo.* to register the Names and real Estates of Papists, are hereby authorized to register the Names and real Estates appointed to be registred by this Act, in such manner as is prescribed by the said last mentioned Acts, and shall return true Copies of the same under their Hands into the Court of Exchequer on or before the 29th of *September, 1724.*

Persons not taking the Oaths before Christmas, 1723. to register their Estates before Lady-day, 1724.

And every Article and Clause in the said last mentioned Acts for registering the Names and real Estates of Papists, shall extend to all and every the Registers required to be made by this Act.

And every Papist and reputed Papist, and every other Person in *Scotland*, being 18 Years of Age or upwards, not having taken the Oath of Allegiance, subscribed the Assurance, and taken the Oath of

Persons not taking the Oaths in Scotland before the 25th of March, 1724.

Abjuration appointed to be taken and subscribed by Persons in Office by the 1 Geo. cap. 13. who shall neglect to take and subscribe the same on or before the 25th of March, 1724. in the Court of Session, Court of Justiciary, or Court of Exchequer in Scotland, or at the Quarter-Sessions of the County, City, Town or Liberty where such Persons shall live or inhabit; or before the Sheriffs or Stewarts, or their Deputies, in open Court, held for the Shire, Stewartry, City or Borough respectively: Every such Papist or reputed Papist, and every other Person neglecting to subscribe and take the said Oaths and Assurance as aforesaid, shall before the 24th of June, 1724. register their Names and real Estates in the Sheriffs Court of such Shire or County wherein their Estates respectively lie, as Papists in England are oblig'd to register their Names and real Estates, by 1 Geo. cap. 55. & 3 Geo. cap. 18. And such Sheriffs, or Sheriffs Deputies, are required to take such Registrations as are required to be made, and keep such Books, and make such Entries, as the Clerks of the Peace in England, by virtue of the said Act of 1 Geo. cap. 55. are required to make and keep, and sign and return true Copies of such Registrations into the Exchequer in Scotland on or before the 24th of September, 1724.

To register
before Mid-
summer,
1724.

In the same
manner as
Papists E-
states are
registered in
England.

And every Article and Clause in the said last mention'd Act, relating to the receiving, taking and entering the Registers of the Names and real Estates of Papists, and examining upon Oath or otherwise into the Truth of the same, shall extend to all Registrations to be made in Scotland, and give the same Powers to the said Sheriffs or Sheriffs Deputies, as by the said last mention'd Act are given to Justices of Peace in their Quarter-Sessions, and Clerks of the Peace in England.

And

And if any Person required to take the said ^{On pain of Forfeiture,} Oaths, &c. or for want thereof, to register their Names and real Estates, shall not take the said Oaths, &c. or register according to this Act, he shall forfeit the Fee-Simple and Inheritance of such Estate and Interest in all such Lands, &c. not registered, whereof he, or any in Trust for him, was seiz'd in Fee, or otherwise interested in at the time of such Default; two Thirds to the Crown, and the other Third to such Persons, being Protestants, who shall sue for such forfeited Lands, &c. lying in *England*, in such Court, and by such Means, as are directed by the said recited Act to oblige Papists to register, and shall sue in the Court of Exchequer in *Scotland* for such forfeited Lands, &c. as shall lie in *Scotland*.

Provided that this Act do not extend to any Person beyond Sea, so as such Person, within 6 Months ^{Persons beyond Sea to have further time,} after his Return to *Great Britain*, take and subscribe the said Oaths and Assurance, or make such Registry according to this Act.

And if any Protestant in *Scotland* hath, or shall within the times by this Act limited, take and subscribe the Oath appointed to be taken by Ministers and Preachers in *Scotland*, by the 5 Geo. cap. 29. instead of the Abjuration-Oath; such Person shall be deem'd to have complied with the Intent of this Act, as if he had taken the said Oath of Abjuration, and shall not incur the Pains and Forfeitures inflicted by this Act, or be obliged to register his Name or real Estate. ^{Persons taking the Oath in 5 Geo. disp. charged.}

And all Papists, and reputed Papists, in *Scotland*, ^{Papists to take the Formula, or register,} shall, at the time of taking and subscribing the Oaths of Allegiance and Abjuration, and subscribing the Assurance herein before required, make and subscribe the Declaration call'd the Formula, as the same is recited in an Act of Parliament of *Scotland*, passed in the Year 1700, entituled, *An Act to prevent*

vent the Growth of Popery; and on Neglect or Refusal to make and subscribe the said *Formula* at the times before directed, such Papist or reputed Papist shall be obliged to register his Name and real Estate as aforesaid, or for want thereof, be liable to, and incur the like Pains and Forfeitures as are hereby inflicted on Persons refusing or neglecting to take the said Oaths, or to register as aforesaid.

And for taking and subscribing the Oaths and Assurance appointed by this Act, Three-pence shall be paid; and for a Certificate thereof, if required, one Shilling, and no more.

5 Geo. Cap. 4.

An Act for strengthening the Protestant Interest in these Kingdoms.

Two Acts made in the 10 & 12 A. for Security of the Church of England repealed.

IT is hereby enacted, That an Act pass'd in the 10th Year of Queen Anne, cap. 2. from the beginning thereof to these Words (And it is hereby further enacted and declared, by the Authority aforesaid, that the Toleration granted to Protestant Dissenters) and one other Act pass'd in the 12th Year of Queen Anne, cap. 7. entituled, *An Act to prevent the Growth of Schism, and for the further Securities of the Church of England and Ireland*; be hereby repealed and made void.

Mayor, &c. prohibited to go to Conventicles in his Gown, &c.

Provided that if any Mayor, Bailiff, or other Magistrate, in *England, Wales, or Berwick, Jersey or Guernsey*, shall be present at any Conventicle in the Gown or other peculiar Habit, or attended with the Ensigns of his Office, he shall be disabled to hold such Office or Employment, and be incapable to bear any Office in *England, &c.*

F I N I S.

The TABLE.

Baptism.

Popish Recusant Convict not baptizing his Child according to the Church of *England*, to forfeit 100 *l.* pag. 42

Burial.

Popish Recusant Convict not being buried in the Church or Church-yard, his Executors forfeit 20 *l.* p. 42

Church.

Every Person not repairing to Church to forfeit 12 *d.* p. 6.
Persons not repairing to Church forfeit 20 *l.* a Month, p. 10.
Persons absenting 12 Months to be bound to their good Behaviour, p. 11. The Crown impowered to seize the Goods and two Thirds of the Lands and Leases for the Forfeiture of 20 *l.* per Month, p. 17. The Forfeiture of 12 *d.* a Sunday to be levied by a Justice of Peace, p. 33. Church of *England* established by the Union, p. 79. The Crown may refuse the Forfeiture of 20 *l.* per Month, and take two Thirds of the Lands. p. 32

Common-Prayer.

Clergyman using any other Form, or depraving this, to forfeit one Year's Profits of his Living, and suffer six Months Imprisonment; other Persons ridiculing or depraving it, forfeit 100 Marks, p. 5. Persons to declare their Assent and Consent to the Book of Common-Prayer on pain of Deprivation, p. 57. To read the Common-Prayer monthly, tho they keep Curates, on pain of 5 *l.* p. 58. Lecturers to declare their Assent, and read the Service monthly, or disabled to preach. p. 58

Crown.

Denying the King's Right to the Crown a Premunire, p. 76. Affirming that the Pretender has any Right to the Crown, or that the Parliament cannot limit the Succession, High Treason, p. 78. Affirming the same by Words only, a Premunire. p. 78

Dissenters.

Dissenters restrained from coming within five Miles of a Corporation, and from teaching School, p. 60. Officers Civil and Military frequenting Conventicles to forfeit 40 *l.* and disabled to hold their Places. p. 81

Ecclesiastical Persons.

All Ecclesiastical Persons, not taking the Oath of Supremacy, disabled to hold any Preferment, p. 1. Refusing the Oath of Supremacy, to incur a Premunire, p. 7. Refusing it upon a second Tender, High Treason, p. 8. Refusing the new Oaths appointed to be taken at the Revolution, to be deprived, p. 66. Refusing to take the Abjuration Oath, disabled to hold any Preferment, to sue in any Court, to be Guardian, Executor, or Administrator, to be incapable of a Legacy or Gift by Deed, or to vote for a Member of Parliament. p. 97

Forfeited Estates.

Commissioners appointed to enquire of the Estates of certain Traytors, and of Popish Recusants, and of Estates given to superstitious Uses. p. 105

Index

The TABLE.

Habeas Corpus.

Disaffected Persons to be detained in Prison without Tryal.
p. 94, 131

London.

Papists to remove ten Miles from London. p. 40, 68

Marriage.

Popish Recusant married otherwise than according to the Church of *England*, disabled to be Tenant by the Curtesy, to have Dower or Jointure, &c. p. 41, 42

Mafs.

A Priest saying Mafs forfeits 200 *l.* and a Year's Imprisonment. A Person hearing Mafs, 100 Marks and a Year's Imprisonment, p. 10. A Priest saying Mafs to suffer perpetual Imprisonment. p. 77

Naturalization.

None to be naturalized until they have received the Sacrament and taken the Oaths. p. 51

Nonjurors.

Private Persons refusing the Oaths, to be committed for three Months, or pay a Sum not exceeding 40 *s.* Not taking them at the end of three Months, to forfeit a Sum not exceeding 10 *l.* or under 5 *l.* and be bound to their good Behaviour, p. 67. Nonjurors to incur all the Pains and Forfeitures of a Popish Recusant Convict, p. 75. Refusing to take the Abjuration Oath, &c. to be adjudged a Popish Recusant Convict. p. 99

Oaths.

The Oath of Supremacy enjoined, p. 1. A Person refusing to take the Oath of Allegiance, when tendered by two Justices, to be committed till the next Assizes, where, if he refuse again, he incurs a Premunire, p. 32, 52. The Abjuration Oath first imposed, p. 78. Abjuration Oath enjoined to be taken in *Scotland*, p. 80. Abjuration Oath, &c. required to be taken by all Officers Civil and Military, Ecclesiastical Persons, Members of the University being of the Foundation, and 18 Years of Age, Schoolmasters, Dissenting Teachers, Constables, Sergeants at Law, Counsellors, Attorneys, Solicitors, Proctors, and Notaries, p. 96, 97. Two Justices impowered to administer the said Oaths to any others they suspect to be disaffected, and upon their Refusal to return their Names to the Sessions, where, if they refuse them upon a second Tender, or to appear, to be adjudged Popish Recusants Convict. p. 99, 100.

Officers.

Officers Civil and Military not taking the Oath of Supremacy, disabled to hold any Preferment, p. 1. Officer refusing the Oath of Allegiance, disabled to execute any Office, p. 52. Officers Civil and Military not taking the Oaths of Allegiance and Supremacy, and receiving the Sacrament, forfeit their Offices; and if they continue to execute their Offices, forfeit 500 *l.* and are disabled to sue, to be Guardians, Executors, or to accept a Legacy or Gift by Deed, p. 64. Officers not taking the Abjuration Oath, &c. disabled, and forfeit in like manner, p. 97.

Papists,

The TABLE.

Papists.

Papists disabled to inherit or purchase any Lands, Tenements, or Hereditaments in this Kingdom, or any Profits out of the same. p. 77

Parliament.

Peers and Members of the House of Commons not taking the Oaths of Allegiance and Supremacy, and subscribing the Declaration against Transubstantiation, adjudged to be Popish Recusants Convict, disabled to hold any Office, to sit in Parliament, make Proxies, sue in any Court, to be Guardians, Executors, or Administrators, or to take any Legacy or Gift, and forfeit 500 l. p. 65, 67. The same Disabilities and Forfeitures for not taking the Abjuration Oath, &c. p. 97, 101

Patron Popish.

Popish Patron disabled to present, and his Right of Presentation given to the Universities, p. 43, 73, 88. Their Trustees disabled to present. p. 73, 88, 89

Pope's Power abolished.

Maintaining the Pope's Power, Forfeiture of Goods and Chattels, p. 1. Maintaining the Pope's Authority, Premunire, p. 7. Suing to Rome for Bulls of Absolution, &c. High Treason, p. 9. Withdrawing any from their Allegiance or the established Religion, or being so withdrawn, High Treason, p. 10. Reconciling Persons to the See of Rome, or withdrawing them from their Allegiance, High Treason. p. 33

Popish Pictures and Relicks.

Importing any *Agnus Dei*, Crosses, Pictures, or Beads, a Premunire, p. 9. Two Justices may search Houses or Lodgings for Popish Books, Pictures, and Relicks, and deface them, p. 43

Popish Priests.

Popish Priests and Jesuits, Subjects of *England*, remaining within this Kingdom, guilty of High Treason; and Persons relieving and harbouring them, guilty of Felony without Benefit of Clergy, p. 15. Persons knowing of a Priest, and concealing him, to be fined and imprisoned, p. 15. Person not answering whether he be a Jesuit, on Examination, to be committed to Prison, p. 23. Reward for discovering a Priest, or those who harbour him, p. 40. Further Reward of 100 l. p. 77. Priest saying Mass, or exercising his Function, to be perpetually imprisoned, p. 77

Popish Prince.

A Prince being a Papist, or marrying a Papist, incapable of the Crown. p. 75

Popish Recusant.

Popish Recusant to forfeit 20 l. per Month, p. 10. The Crown empowered to seize all his Goods, and two Thirds of his Lands and Leases, for the Forfeiture of 20 l. a Month, p. 16, 17. The Crown may refuse the Forfeiture of 20 l. a Month, and take two Thirds of his Lands, p. 32. Popish Recusant going five Miles from his Dwelling, forfeits all his Goods, and his Lands, and Annuities during Life, p. 22. If he hath not Lands worth 20 Marks per ann. of Goods worth 40 l. to abjure the Realm, p. 23.

The TABLE.

p. 23. Recusant Convict coming to Court to forfeit 100 l. p. 40. Not departing ten Miles from *London* forfeits 100 l. p. 40. Practising Law, or Physick, or as an Apothecary, 100 l. p. 41. And to be disabled as one excommunicated, p. 41. Disabled to be Executor or Guardian, p. 43. A married Woman a Recusant to be committed to Prison until she conform, unless her Husband pay 10 l. a Month to the Crown, or a third Part of the Value of his Lands, p. 52. Popish Recusant to keep no Arms or Horses above 5 l. Value. p. 69

Pretender.

To affirm he has any Title, High Treason, p. 78. If by Words only, a Premunire, p. 78. A Reward of 100000 l. promised to any Person who shall take the Pretender alive or dead. p. 102

Quakers.

Quakers refusing an Oath punished, p. 56. Tolerated upon certain Conditions, p. 70. Their Affirmation accepted instead of an Oath, p. 76. Their Affirmation new-modelled. p. 129

Register.

Papists not taking the Oaths obliged to register their Estates, or forfeit them, p. 117. Nonjurors obliged to register their Estates under the like Pains, p. 144. The Register Act explain'd. p. 122

Rioters.

Rioters remaining together an Hour, after Proclamation to disperse, guilty of Felony without Benefit of Clergy, and Persons killing them indemnified, p. 91, 92. Persons hindering the making Proclamation, guilty of Felony without Clergy, p. 92. Demolishing a Church, Meeting-house, Dwelling-house, or Out-house, Felony. p. 93

Schoolmasters.

Schoolmaster not coming to Church disabled to teach, and to suffer one Year's Imprisonment, p. 11. Whoever keeps such a Schoolmaster, to forfeit 10 l. a Month, p. 11. Unlicens'd School-master, and the Person who keeps him, to forfeit 40 s. a-day, p. 29. Nonconformist Schoolmaster to be imprisoned three Months, and disabled to teach. p. 85

Seminaries.

Persons brought up in Seminaries not returning from beyond Sea, six Months after Proclamation to that purpose, guilty of High Treason, p. 15. Sending Relief to any Ecclesiastical Person or Seminary abroad, a Premunire, p. 15. Sending any Person to a Seminary abroad, Forfeiture of 100 l. Every Person so sent, disabled to inherit, or purchase, or enjoy any Lands, Goods, or Chattels, and all Estates conveyed for their Use or Relief void, p. 29, 42. A Person convicting one of sending any to a Seminary, to have a Reward of 100 l. p. 78

Toleration.

Toleration granted to Protestant Dissenters, p. 70, 71, &c. The Penal Laws against Dissenters still in force against those who do not take the Oaths, and qualify themselves according to this Act, p. 71. The Toleration ratified and explained, p. 82. Toleration enlarged, p. 148. F I N I S.

C. D. H.